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FLORENTINE HISTORY.

T.a 1

Ma quell' ingrato popolo maligno
Che discese di Fiesole ab antico,
E tiene ancor del monte e del macigno.

DANTE, *Inferno*, Canto XV.

E come 'l volger del ciel della luna
Copre e discuopre i liti senza posa;
Così fàr di Fiorenza la fortuna:
Perchè non dee parer mirabil cosa
Ciò ch' io dirò degli alti Fiorentini,
Onde la fame nel tempo è nascosa.

DANTE, *Paradiso*, Canto XVI.

FLORENTINE HISTORY,

FROM THE EARLIEST AUTHENTIC RECORDS

TO THE ACCESSION OF

FERDINAND THE THIRD,

GRAND DUKE OF TUSCANY.

BY

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IN SIX VOLUMES.

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ERRATA.

PAGE	LINE	FOR	READ
19	17 from top	Should be "*Beneficiato*"	Should have been a "*Beneficiato*"
21	16 ,,	senate, which were addressed.	senate, addressed
22	3 ,,	civilized men	civilized beings
31	15 from bottom	petitions	petition
31	13 and 14 ,,	private individuals	private persons
37	7 from top	process	process,
37	10 ,,	This circumspection	Such circumspection
37	13 ,,	This was published	It was published
47	4 ,,	exertion pushed (and) strength produces	exertion, pushed (and) strength, produces
49	6 ,,	altered	changed
49	11 from bottom	wise as it was,	wise, as it was
56	3 ,,	bad sentiments	lawless habits
62	2 from top	beyond	further
63	5 ,,	Radicofane	Radicofani
78	6 and 7 from bottom	his naval service	this service
101	12 from top	order kept	order, kept
113	19 ,,	persons and	persons, and
116	6 ,,	with Popes	and with Popes
126	3 from bottom	the domestic bakery	domestic bakery
128	3 from top	exhibiting	and exhibiting
140	2 from bottom	many	may
155	13 ,,	finally succeeded	he finally succeeded
171	15 from top	Magliabecchi	Magliabechi
179	6 from bottom	power conferred by a peremptory order	power, conferred by a peremptory order
180	15 ,,	it returned	it was returned
193	Heading	Chapter II.	Chapter VII.
195	15 from bottom	Pratolini	Pratolino
217	3 from top	districts "*Mal'aria*" and	districts, "*Mal'aria*," and
224	12 ,,	attention	regard
224	5 from bottom	courts as while	courts while
227	6 ,,	in criminal	of criminal
243	2, Note	Governa	Governo
249	1 and 2, Note	dell' Pene	delle Pene
260	10 from bottom	party; therefore his	party his
260	11 ,,	followed that	followed therefore, that
373	4 ,,	Leopod	Leopold
382	2 from top	to a more	a more
382	14 ,,	expedience	experience
417	8 ,,	had	bad
452	9 ,,	healthy and industrious	healthy industrious

FLORENTINE HISTORY.

BOOK THE FOURTH.

CHAPTER I.

FROM A.D. 1737 TO A.D. 1765.

FRANCIS THE SECOND,

GRAND DUKE OF TUSCANY,

And first of the Lorraine Dynasty.

FOR eight-and-twenty years from the accession of Francis the Third, Duke of Lorraine, Tuscany became a mere province of Austria, ruled by a deputy and subject to all the evils of a distant vice-regal government; where- A.D. 1737. fore it will be sufficient to pass rapidly over this monotonous period until the more interesting reign of his son, when she was partially restored to independence. Notwithstanding a universal wish for peace the definitive treaty was not signed until November 1738, and then differed but little from the preliminaries of 1737. France guaranteed the Pragmatic Sanction and gained Lorraine; Don Carlos of Bourbon son of Philip V. by Elizabeth Farnese became king of both Sicilies and lord of the Tuscan *Presidj* with their territory; Milan Parma and Piacenza fell to Austria; Tortona and Novara to Sardinia; and

Tuscany to the Duke of Lorraine. The first act of Craon was to confirm all existing functionaries at Florence until fresh instructions arrived, but on his own authority he took instant measures to revive the wool and silk trades. The new sovereign
A.D. 1738. accompanied by his brother Prince Charles of Lorraine and Maria Theresa of Austria, reached Florence on the nineteenth of January 1738, and amidst some show of public rejoicing made his entry under the triumphal arch of San Gallo: this was erected for the occasion by a Lorrainese architect without much taste or talent; but the employment of foreign hands thus to stereotype the sacrifice of Tuscan independence, was a national insult which might have been more generously spared.

After four months spent in becoming acquainted with his new dominions, Francis was permanently recalled to Vienna, and this stamped the provincial character on Tuscany. Don Giuseppe de' Medici Prince of Ottajano published a protest respecting the allodial property of that family which as he asserted devolved on him by a deed of Clement VII. as their nearest male relation. Whether he could have proved this right or not is uncertain, but it was considered false by the government, was rejected by the judges, and destroyed by a decree of the supreme council, besides a public prosecution being instituted against its advocate. The principal operations of government this year seem to have been some vain efforts to encourage Senese agriculture, to improve the corn trade, and diminish the national debt; all well intended, but ill executed; mere attempts to raise a people up to the level of taxation instead of reducing taxation to the level of a distressed people, which might have been done with the aid of Austrian revenues, and was subsequently accomplished without. Instead of this the whole
A.D. 1739. Tuscan income was farmed to the highest bidder, a cruel and pernicious custom, proving the ignorance, idleness, or weakness of any government which resorts to it.

Francis as a specimen of his paternal administration insisted on having an almost incredible sum of free income remitted to him at Vienna; whereupon the revenue was sold to a company of inexorable publicans under Count Charles Bernasconi, and the people to hopeless penury! The government of Tuscany was offered to Anne of Medicis who wisely rejected it; on which a council of regency was composed of the existing administration and two additional councils, *War* and *Finance*, always the two first and great objects of royal solicitude.

Charles VI. dying in 1740, the succession of Austria and his other hereditary dominions were claimed by Maria Theresa according to the Pragmatic Sanction; but long wars and wide-spread evil paved her way to a throne which all the previous bloodshed, all the oaths and guarantees, forgotten when most wanted, were insufficient to secure. Tuscany when in similar circumstances was weak, and fell: Austria was powerful and able to resist injustice: the former had no friends in its helplessness: the latter was not forsaken in its distress; but the injustice was alike in both. The king of Poland and the elector of Saxony now demanded all the Austrian inheritance; Bavaria would have been content with Bohemia; Spain preferred claims of a like nature; Savoy hungered for the Milanese; France had also her objects, but as yet was still: Prussia, acting singly and decidedly, so far from masking her crimes, openly invaded Silesia; then France entered on the scene, and a powerful but shameless league against Maria Theresa brought her to the verge of ruin while it crowned the Bavarian as emperor. Tuscany was thus revenged on Austria, and thus Saxony showed its gratitude for the throne of Poland! The guarantee of France was in this manner fulfilled; and all the most solemn engagements flew like chaff before the tempest of royal cupidity! But fortune soon changed sides; Hungary took pity on its young and beautiful queen; other friends now hastened to the rescue, and England devoted its treasures to her cause. Sepa-

A.D. 1740.

rate and skilfully managed negotiations gave Maria Theresa the ascendant over various competitors and raised the house of Austria from a momentary abasement to new and exceeding splendour. But neither good nor adverse fortune softened its rule in Tuscany, and an awful flooding of the Arno added to public suffering by the vast destruction of provisions and manufacturing industry that accompanied it. These last were temporary evils, easily obliterated by an energetic and well governed people; not so the pernicious system of finance which spreading far and deep, infected even the smallest branches of industry and destroyed all national prosperity. The Gabelle, the Customs and other sources of minor revenue soon fell into its inexorable talons, vexations were universally multiplied and every remnant of native and foreign commerce shrunk under the wound: litigation moreover abounded; and to settle it, a new tribunal called the "*Grand-ducal Chamber*" was created with cognizance of all pleas, whether they were between the farmers and the crown, between the former and the sub-tenants, or amongst the farmers of the revenue themselves; so that the financial jurisdiction of all ordinary magistracies became extinct.

The birth of Archduke Joseph in 1741, the death of Anne Electress Palatine in 1742, and the coronation of Maria Theresa as queen of Hungary and Bohemia in 1743, formed the principal subjects of Tuscan interest until Francis became king of the Romans in September 1745, and ultimately emperor at the death of Charles VII.

A.D. 1741.
A.D. 1742.
A.D. 1743.
A.D. 1745.

A strong wish to reclaim the Senese marshes occupied Francis the Second as it had done his predecessors, for it was an obvious and crying evil which required abating; but the folly of the means was proved by their consequences, and shows how little of intellect and how much of force then made up the sum of Austrian rule in Tuscany. By an edict issued in the year 1746 every owner of waste land was

A.D. 1773.

commanded to bring it into cultivation within a twelvemonth under the penalty of forfeiture! This was called government! But in most cases the proprietors had no capital to expend even were thrift possible under the existing prohibition to export corn by which all profit was annihilated: therefore as a penalty for being misgoverned and the desolation that ensued, these unhappy people were condemned to lose the remnant of what even the crimes of rulers and the misfortunes of the age had until that moment permitted them to enjoy.

The year 1747 became subsequently interesting to Tuscany by the nativity of Maria Theresa's third son the celebrated Peter Leopold who by the death of Archduke Charles became afterwards Grand Duke of Tuscany: also by one good law on entail which restricted it to four degrees; but reckoning by heads not generations*. The object and consequence of this law was a rapid emancipation of property without individual wrong; and though its provisions caused much litigation the expressed will of an absolute monarch cut short all those feeble technicalities that would have impeded its action in freer states. One difficulty was a privilege of entailing property then given to the nobles alone when in fact no legally defined aristocracy existed; for even so long had the ancient republican equality maintained some shadow of its primitive vitality: it was not until three years later that a general scale and definition of nobility were promulgated; a tardy work which might have been harmlessly omitted at an epoch when the officious world began to busy itself in looking curiously back to first principles. This was followed by a law to restrict the jurisdiction of feudal chiefs, who were considered to have insensibly absorbed an over-dose of authority, which if left unnoticed might have become as troublesome to the prince as it was already oppressive to the people. A heavy stamp-duty with great augmentation of

A.D. 1747.

A.D. 1749.

* Leggi e Bandi di Toscana, Legge xxii°, June 1747.

revenue succeeded, and was immediately farmed out along with the other taxes; yet this undoubted evil was not so keenly felt, or at least so obstinately resisted, as the alteration about the same period, of the ancient mode of counting time; not so much on the change of new year's day from the twenty-fifth of March to the first of January, as from the order to discontinue reckoning the whole twenty-four hours round and use what was called "French time," or from midnight to noon and from noon to midnight; but which (so dear are habit and old customs) has never been fully accomplished even to the present day: government quickly found the utmost difficulty, and in country places the utter impossibility of compassing this; nay at Montalcino and its neighbourhood the scheme was actually abandoned through fear of insurrection!

A.D. 1750. From the earliest republican times and during the Medician dynasty there were always marked discriminations of rank amongst the Florentines, but as already noticed, no distinct order of nobility had been legally acknowledged since the ancient barons sank to a common level with the citizens; long continued family wealth and public honours, or the royal fiat alone, conferring eminence. Now however the Emperor Francis, filled as he must naturally have been with aristocratic notions and numerous quarterings, resolved to regulate this somewhat important object, and to do it liberally: he therefore separated the higher orders into two classes; the first or "Patricians," was composed of feudatories and all others who could prove that their ancestors had enjoyed public honours for a hundred years; that they had lived as nobles, had not made unequal marriages, or exercised any low profession. The second class was composed of those who were thenceforward to be simply denominated "Nobles," either from a patent of nobility or in consequence of unequal marriages, or an implied degradation by the exercise of some inferior trade. Bankers, general and wholesale merchants, especially in the silk and wool trades,

also judges, advocates, and physicians; provided they had received their diplomas in the grand duchy; were not ineligible to the rank of noble or patrician; nor were painters sculptors and architects, all other conditions being fulfilled. The citizenship was simultaneously defined, and made to consist of those alone who paid at least ten florins of *Decima* or followed any of the lower trades. Such was the final settlement of Tuscan nobility as an order of the state; and it was made with a degree of liberality and due mixture of the professional and purely aristocratic classes which is extremely creditable, even without reference to the time and country of its birth: it was a homage to the ancient spirit of democracy! Several of these professions were, and in England still are placed in a false social position, which at Florence was thus wisely removed; for as man's real value is in his head and heart, if he arrive at distinction in any profession requiring the beneficial exercise of both, he rises far above those stars and coronets which seek his society as an ornament while they disdain to acknowledge him as an equal. The poetry of a great artist's mind; his taste, feeling, and refinement; all combine to fix it on something above and beyond mere human nature, in the grand, sublime, and pure ideal: he creates gods and heroes, saints and angels, and spontaneously shadows forth the forms of what is excellent and ennobling both on and above this earth: his lofty thoughts and imaginings; his learning, science, and romance; that gush of all-creative spirit which seizes and embodies the grandest and simplest, the most permanent and evanescent effects of nature and human passions, with all their various beauty and expression, is checked by cumbrous pomp and lordly vanity, or more despicable and purse-proud ignorance, and is rarely honoured or encouraged by our rulers! And though essentially more independent, neither have British science and literature much to be thankful for. Wherefore any sovereign who by public honours in a manner places these professions on a par with the highest orders of

society, is fully entitled to its gratitude as the public encourager of genius talent and intellect.

The Count of Richcourt as head of the regency had for several years governed Tuscany, but finally becoming unpopular was superseded by Marshal Botta Adorno of Pavia in 1751; and the law of mortmain which had previously existed in part of the grand duchy, was about the same period extended over all Tuscany at the suggestion of Rucellai. The vast amount of church property not liable to public burdens was, as we have seen, withdrawn altogether from sovereign authority and made subject to the pope alone, for even the priesthood, its ostensible owners, could not alienate a particle without his permission, and full a third of Tuscany virtually belonged to Rome. At this Rucellai, one of the ablest of Tuscan ministers, was indignant, and in a representation to Francis urged the necessity of his bearing in mind, that individuals and natural families existed first; that towns were then built for the protection of person liberty and property, and social regulations under the name of laws were instituted: after towns came colleges or artificial families; a mere creation of the law which allowed and gave them the power of acquiring property; wherefore the law was absolute lord of its creatures, and having made could also destroy them: by the sanction of law alone were they enriched, wherefore law could recall their wealth or prevent further acquisitions; and without wrong to any, because the possessions of a convent or college were the property of no single individual, nor could they as a body divide it amongst themselves. All this artificial dominion therefore being the work of legislation must, said Rucellai, depend on the legislator's will and prudence for its beginning, duration, general direction, and end; without what may be called any natural or real person having just cause of complaint. Such reasoning proved successful and a great innovation thus began, of which more will be said in the next reign *.

A.D. 1751.

* Cantini, Legge di Mani Morte, v., vol. xxvi., p. 314.

In this way the grand duchy was governed with occasional good laws and an incipient inclination to reform, except in financial measures, until the year 1765, when Tuscany once more assumed the rank of an independent nation under Peter Leopold, third son of the Emperor Francis I. and Maria Theresa of Austria. Leopold was first intended for the Church, but political reasons changed this destination and he was affianced to Maria Beatrice of Este, heiress of Modena Reggio and Massa, which marriage would have given Austria most of the territory anciently belonging to the kings of Italy, consisting of Milan Tuscany Mantua Modena and a portion of Montferrat. Another contract of marriage had been made between the Archduke Charles, second son of Francis, and Maria Louisa of Spain; but the death of that prince in 1760 changed both arrangements, as Spain and Austria immediately agreed to form two principalities for the second sons of each which were never to be held by Austrian or Spanish sovereigns: Naples therefore became fixed in the younger branch of Spanish Bourbons, and Tuscany in the house of Lorraine and Hapsburg. In consequence of this arrangement a marriage was solemnized by proxy at Madrid in 1764 between Peter Leopold and the Infanta who had been engaged to his brother, her father Charles III. simultaneously renouncing all his claims to the allodial possessions of the Medici in that princess's favour. The emperor's original intention was to make Peter Leopold only governor and captain-general of Tuscany, but this was so strenuously opposed by the Spanish minister, whose master he said never intended his daughter for the wife of a younger son, that Francis reluctantly yielded to avoid worse consequences, but with so much vexation as is said in some degree to have hastened his decease. All obstacles having been removed, the marriage ceremony was renewed at Inspruck in August 1765: a few days after Francis I. died of apoplexy in the fifty-seventh year of his age and was

A.D. 1760.

A.D. 1764.

A.D. 1765.

succeeded by Joseph II., who after his arrival at Vienna hastened off the new married sovereigns to Florence where they were immediately acknowledged as Grand Duke and Duchess of Tuscany.

COTEMPORARY SOVEREIGNS. — England: George II. until 1760; then George III.—France: Louis XV.—Spain: Philip V. until 1746; then Ferdinand VI. until 1759; then Charles III.—Portugal: John V. to 1750; then Joseph Emanuel.— Naples: Charles III. until 1759; then Ferdinand. — Popes: Clement XII. until 1740 (Corsini); then Benedict XIV. (Lambertini) until 1758; then Clement XIII. (Rezzonico) until 1769; then Clement XIV. (Ganganelli).—Emperors: Charles VI. until 1740 (vacant until 1741); then Charles VII. of Bavaria until 1745; then Francis I. (Duke of Lorraine and Bar, and Grand Duke of Tuscany) until 1765; then Joseph II. until 1790.—Russia: Anne I. until 1740; then Iwan III.; then Elizabeth I. until 1762; then Peter III.; then Catherine II. — Prussia: Frederic-William I. until 1740; then Frederic II. (the Great).—Poland: Augustus III. until 1764; then Stanislaus Augustus Poniatowski (the last king).—Sweden: Ulrica Eleonora until 1751; then Adolphus Frederic (of Holstein Gottorp).

CHAPTER II.

PETER LEOPOLD THE FIRST OF AUSTRIA,

GRAND DUKE OF TUSCANY.

INTRODUCTORY CHAPTER.

As the author's means of collecting materials for the reign of Leopold I. were somewhat limited, he only offers the following pages as a simple assemblage of facts, which having been principally drawn from that monarch's laws and arranged in a certain chronological order, may perhaps as far as they go, spare some trouble to the future historian. Excepting these laws there are indeed no published documents of any value from which a complete narrative of Leopold's reign could be satisfactorily composed, and the writer was prevented by domestic events which obliged him to quit Florence, from benefiting by the private manuscripts and oral communications of cotemporaries to which he might otherwise have had access, so as to produce a more lively engaging and useful narrative than what he now with considerable hesitation offers to the public. In it will however be found a sketch of the general condition of Tuscany at Leopold's

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Note.—To avoid marginal references the reader is informed that the substance of this chapter, besides the old Florentine chronicles and histories, has been more especially taken from "*Il Foro Fiorentino di Tommaso Forti*" MS. in the Magliabecchiana Library at Florence; "*Relazione della Magistratura Fiorentina dal Presidente Pompeo Neri,*" MS. in the author's possession; "*Discorso di Marco Foscari, relazione al Senato di Venigia,*" in the "*Delizie* degli Eruditi Toscani," vol. xxiii., p. 166; "*Borghini, Discorso delle Colonie Romane,*" and "Il Consolato del Mare" da Giuseppe Maria Casaregi (Venice).

accession as regards commerce manufactures and agriculture, with the moral and physical state of the people: attention will next be drawn to those portions of administration which almost immediately occupied the sovereign's mind, their connection with, and the assistance given by them to the gradual development of his final object; a constitutional monarchy; and this not only by their mechanical construction but their influence on national character after its subjection for more than two centuries and a quarter to oppressive rule. A parting view of Tuscany subsequent to Leopold's departure when it had been for five-and-twenty years under the action of a still absolute but wise and beneficent government, will conclude this work.

But the better to elucidate what remains and bring the past narrative into more immediate contact with Leopold, it is proposed to condense in a short preparatory chapter some portion of what is scattered through the foregoing volumes about the constitution laws territory, and political privileges of Florence; and this the reader may skip or read as he feels inclined.

The original limits of Florentine dominion have been described as extending but three miles beyond the walls although subsequently reaching over the whole contado which probably coincided with the diocese, and the municipal territory when a Roman colony: the diocese of Fiesole was subsequently added and both together formed what was especially named the *Contado* or County of Florence. This was studded with feudal castles and other independent domains which gradually fell under the republic either by conquest or purchase, or both; for Florence often bought the obedience of vanquished enemies and generally left them the enjoyment of their own laws, sometimes even with additional privileges. All acquisitions beyond the contado formed the distretto or district, but the former, including Florence, was originally

ruled by imperial counts the inhabitants paying every tax, at first as vassals, then either as plebeians or Florentine citizens as if they were a part and parcel of the town itself. Leghorn, although detached, formed part of the contado; for having been purchased as an insignificant and nearly depopulated castello, no capitulation became necessary, wherefore it was at once annexed to the contado and shared its liabilities, amongst them the Decima, a lay tax on real property, was the most important: all those portions of the district not actually held by Florentine citizens were exempt from its operation, but an equivalent called the Estimo was paid by the "*Distrettuali*" or inhabitants of the "*Distretto.*"

THE DOMINION of Florence when in the zenith of republican power consisted of Arezzo, Cortona, Borgo San Sepolcro, Montepulciano, Colle, Volterra, San Miniato, Leghorn, Pisa, Pescia, Pistoia, and Prato with their respective territories, besides her own contado and many other towns within the above circle. Leopold found it enlarged by the addition of Siena and all her subject domains except Orbitello, Port Ercole, and Talamone, which were attached to the crown of Naples: numerous fiefs had also been acquired by the Medici* all of them separately

* Such as Pitigliano and Sorano by Ferdinand I. from the Orsini in 1608; Castellottieri by Cosimo II. from Sinolfo Ottieri in 1616; Scansano from Sforza, Count of Santa Fiore and Duke of Segno, in 1615; Santa Fiore by Ferdinand II. in 1633; the Marquisate of Castiglione della Pescaia and the island of Giglio by the Duchess Eleonora de Toledo from Silvia Piccolomini and her husband the Marquis di Capestrano in 1559; Porto Ferraio in Elba by treaty in 1557 under Cosimo I.; Pontremoli and its territory in Lunigiana by Ferdinand II. from Philip IV. of Spain in 1650; Filitiera, Corlaja, Rocca Sigilina, Lusolo Ricco, Lisana, Terra Rossa, and Groppoli, all in the same neighbourhood, from the Malespini family and the Counts of Nocera by Cosimo I., Francis I., and Cosimo II. At the accession of Leopold Piombino belonged to the Lodvisi of Bologna, from which it went by marriage to the Boncompagni and was purchased from the latter by the Grand Duke Ferdinand III. after his restoration in 1814. The *Presidj* of the Maremma, that is to say, Orbitello, Port Ercole, and Talamone, were given by the Congress of Vienna in the same year, and after the last fall of Napoleon all Elba and Pianosa. There were also some other small acquisitions unnecessary to enumerate.

governed by royal officers except the small possessions of Corlaja, Sigilina, Lusolo and Lisano which were annexed to the public domain.

The distinction between county and district, now unknown, was in full vigour at Leopold's arrival both commercially and financially; each community of the latter with certain exceptions still preserving its local administration separate from Florentine jurisdiction. The dominant state was nevertheless represented by resident magistrates in both, who ruled under the several titles of Podestà, Vicar, Governor, Commissary, Captain of Justice, and the more general name of "*Giusdicente*" or Administrator of Justice.

As territorial acquisitions multiplied by conquest, each provincial government was made to include several communities for the sake of local convenience, comprising altogether about one hundred and nine of the former at Leopold's accession, some holding both civil and criminal jurisdiction, others only the former, but always independent of any neighbouring Giusdicente; who nevertheless might occasionally administer criminal law within their sphere of civil government. Being independent of the distinction between county and district, these Giusdicente often governed portions of each, in consequence of new acquisitions too small for a separate government, having been for convenience frequently annexed to the nearest: neither had they any reference to counties of cities, for the Pisan contado was shared between seven distinct governments with various authority, so that only the rule of local accommodation prevailed.

The district taxation was divided into three parts; one purely local for the expenses of each community; another for the common benefit of the several communities included in one *Podesteria* or local government; and a third appropriated to all the Podesterias, comprised in one Vicariate; wherefore the latter *financially* comprehended a certain number of Podesterias and the Podesteria so many communities or municipal

bodies, but regardless of civil and criminal divisions: part of the Pisan contado, for instance, was civilly and criminally under Leghorn while it was liable to taxation for Lari and its own capital. From this it appears that three grand divisions existed in the Florentine state involving no little confusion, and a needless multiplicity of offices.

First; the *Contado* and *Distretto;* distinguishing original Florentines from those subsequently added by voluntary union, purchase, or conquest: *Second;* the territorial division into provincial governments: *Third;* a financial union of the communities in order to secure regular and equal contributions for the general expense of each province.

At the expulsion of Walter de Brienne in 1343 Florence was divided into *Quarters* under two judges whose jurisdiction extended to the limits of the county, each taking half, as if the city were expanded to those boundaries, and thus justice was carried to the doors of all. The personal division of Florence and its county was into *Citizens, Plebeians,* and *Contadini.* The republican definition of a citizen was one who might legally vote in the general assembly, who paid direct taxes, and who was eligible to those employments not exclusively restricted to foreigners. This dignity came by inheritance or a vote of the commonwealth, but on becoming a citizen the man's real property was subjected to an impost called the "*Decima of the Citizens*" which was one-fourth more than the ordinary Decima, and moreover paid in advance when any man aspired to the magistracy.

The citizens of each quarter were registered and mustered in arms with separate banners and companies, four in each quarter, under so many leaders called "*Gonfaloniers.*" This gave sixteen divisions of armed citizens, and the name of every family was enrolled under its own quarter banner and divisional flag. From each of these a certain number of magistrates were selected; the public registers became vouchers for

the rank and possessions of each family, a scale for imposing the Decima, and a proof of title on the transfer of property.

When the nobility succumbed in 1282 every man aspiring to public honours was compelled to have a nominal trade though not obliged to exercise it, and this law still existed when Leopold came: there were twenty-one of these trades or "*Arts*," each formed into a college guild or corporation with judicial authority over all the members of its own profession whether citizens or not, and the privilege of holding real property as a corporate body. These rights did not fall with the Medici. There was also a marked, invidious, but illegal distinction of personal rank, with unequal power, between the superior and inferior trades, which produced political dissension and separated the population into several aristocratic orders of various dignity until all distinction was crushed in the ruins of the commonwealth: inequalities then ceased and the people were reduced to a sort of Turkish equality under the specious name of citizen, which allowed of no precedence but what was attached to office, old age, or personal character.

Those nobles, who under free institutions would never stoop to trade, even for the sake of ambition, formed an acknowledged but persecuted class and their depression was complete: excluded from the magistracy, deprived of their citizenship and insulted, they lived as culprits in the land: laws were levelled against them, their state was penal, and they were legally chained to it until disposed to humble themselves before their fellow citizens; nay even their very names and arms were altered ere they could be politically absolved from their penal station, where many obstinately continued even until the republic fell.

The *Plebeians* were the lowest class of urban population: they had no voice in the commonwealth nor capability of holding office; the consequence was aristocratic oppression, class-legislation and tumults: they were made use of as tools

for more exalted faction which covered its own ambition with the juster murmurs of the populace; yet they once broke all bounds and boldly seized upon the government.

The *Contadini* were permanent inhabitants of the Contado, the rural gentry in fact; for though now only the designation of simple peasantry, it formerly meant all the country citizens of Florence. When not citizens they lived as mere subjects without rank or privilege, except from public service or monied influence; but they were occasionally created "*Nobles of the Country*;" a distinction without authority, given only as a reward, yet at times coupled with some trifling privilege; but this did not survive the republic.

The Priesthood was not considered as part of the state, nor were the sons of citizens, if churchmen, ever admitted to public office; so that the only body-politic of the republic were the citizens of Florence, its contado and district: these, being too numerous to act in a mass, deputed their powers to smaller portions which under various forms and denominations ruled the commonwealth until 1532.

The Florentine republic was far from a pure democracy: the citizens alone ruled, nobility was annihilated; but aristocracy remained and flourished; the rest of the nation had no voice, no will, and no privilege but a smaller amount of direct taxation. On the establishment of monarchy in 1532 a great change took place by the formation of a council of two hundred citizens as representatives of the nation: its functions were important but not of the highest order, and it must be considered as an intermediate link between liberty and despotism. This assembly continued until far in the reign of Leopold; in its presence the sovereign was crowned and received the oath of allegiance as from the commonwealth itself; it conferred the honour of citizenship, and appointed all those to office who were not nominated by the sovereign. These and some minor duties of little consequence comprised

its principal functions; but out of it issued a senate of forty members who on their own authority made Cosimo Duke of Florence in 1537. It was also to this council as the national representative that Cosimo III. addressed himself to settle the Tuscan succession in favour of his daughter the Electress Palatine.

The senate ostensibly enacted all general laws, but really did no more than register and publish the royal will: it made known the nominations to magistracies and public office, was an essential portion of "The Two Hundred," assisted at their sessions, supplied a member to every tribunal of Florence, and furnished the sovereign with ministers for the supreme council. The prince or his lieutenant presided in the latter, which was in fact a substitute for the ancient seignory of eight priors and Gonfalonier of Justice, suppressed in 1532. This last was renewed no less than six times a-year, and was assisted by the sixteen Gonfaloniers of Companies, who fell with it, besides the twelve "Goodmen" who still existed under their former name. But twelve "*Procuratori di Palazzo*" were created instead of the sixteen gonfaloniers and both of these continued to be a portion of the supreme magistracy until the time of Leopold yet without exclusive jurisdiction or any powers over civil and criminal justice.

Under the Medici this Supreme Magistracy was at first the only state council; but its quarterly changes proving inconvenient, the prince left his lieutenant to preside and formed a more private cabinet which soon absorbed all the political power, leaving the other as a mere court of justice under the form of a state council.

The ordinary republican magistracies were conferred by lot; but there is great difficulty and not a little uncertainty in tracing the machinery of official forms in Florence, their very notoriety preventing any detailed account of them being given by cotemporary writers, wherefore they are rather hinted at as well known than accurately described.

Election to the citizenship depended on the citizens only, and there was always a difficulty in the admission of any man who did not belong to some wealthy and distinguished house; it was merely an extended aristocracy of similar character though far more numerous than the "*Gentiluomini*" of Venice, and without as fair a plea for their political monopoly; indeed so generally was this aristocratic character acknowledged that the mere employment of public honours in any family was deemed a sufficient proof of nobility for admission to the order of Saint John of Jerusalem. Yet every citizen did not obtain such honours; for though there is considerable obscurity about the age at which people could begin to canvass, the constant payment of a higher rate of taxation, either by themselves or their progenitors for thirty years, was necessary before they became *eligible* to the magistracy.

It was moreover required that the father, grandfather, brother or uncle of a candidate for the supreme magistracy should be "*Beneficiato;*" that is, should have served or have been drawn by lot to serve, or have had their name "*Imborsato,*" or pursed amongst those eligible to such employments, ere he could succeed. Neither could any man without this qualification enter the general council; but with it he was said to have the "*privilege of the state*" or a full right of suffrage in public affairs; hence the citizenship became politically divided into two classes called indifferently "*Privilegiati*" or "*Statuali,*" and "*Non Statuali;*" statesmen and non-statesmen; for the latter though born citizens and paying a higher rate of taxation, yet wanting such proofs became ineligible to public employment and therefore to political power.

This custom, which narrowed the circle even of civic aristocracy, continued until Medician princes began to undermine the ruins of ancient freedom and confer office at their will: allo proofs of eligibility then ceased; there was no longer a purse for the reception of candidates' names, wherefore no citizen had

an opportunity of establishing his right, and royal favour became omnipotent.

From the earliest times of Florence magistrates were drawn by lot, except a very few who remained elective; but these increased and those diminished through all the period of Medician influence: this was called "*La Tratta*" or the *Drawing* of the magistracies, and for such purpose a Borsa or purse for each was established, which held the names of all who were pronounced eligible by the members of the *Tratta*, namely the Seignory and their two assistant colleges of Gonfaloniers and Buonomini. Thus united they drew the names of qualified citizens as distinct from those of doubtful proof, each being written on two or more billets according to his age: up to thirty on two; from that to forty on three; and thence upwards on four; so that each older candidate's chance augmented. To form a new magistracy *within* the city, six names were drawn, and ten if *without;* these under the Medici required two-thirds of the Council of Two Hundred to be repursed for a second drawing, which if successful secured the appointment. The fortunate candidate was eligible if of the proper age for office; this was variable, thirty being generally the minimum; or if no near relation had lately held the same post, or if he had not himself filled an office that for a time excluded him, and finally when the aspirant was not "*a Specchio*" or did not as it were *see* himself in the register of those citizens who were either defaulters or had omitted to pay their taxes in advance. Under Medician rule the formation of these purses; called "*Squittino Generale*" or general scrutiny, was accomplished by the Council of Two Hundred, including the senate, the supreme council, and all the other civic magistracies. Under republican government it was executed by the Seignory and its assistant Colleges, the "Captains of Party," the "Six of Commerce," the "Proconsul of Judges and Notaries," the twenty remaining Consuls of the Arts, and the five "*Accoppiatori.*" In

this function the Grand Duke chose a senator and a secretary for supporting the claims of enrolled citizens, whose names were to be placed in the "*Borse della Cittadinanza*" or purses of the citizenship: these were all put to the vote in this numerous assembly, and the budgets thus replenished became a political store of citizens eligible for public service but necessarily renewed from time to time; which by the Medici was about every fifteen years at the request of the secretary of the senate. As each name was put to the vote an opportunity of rejecting anybody from any cause was afforded, and under the republic occasioned much injustice; for at the second extraction to fill vacant magistracies only those who had passed this ordeal were nominated, but those named by the prince in after times, which made the larger and better part, passed through the mere forms of election unopposed.

Public functionaries received their commissions from the senate, which were addressed to the communities they were about to rule, their predecessors being simultaneously called on to render an account of their conduct, deliver their financial papers to the senate, and if correct receive the third part of their salary, which by ancient law and custom was always retained as a check upon misconduct. The laws were either native, or foreign laws introduced and sanctioned by custom; and first amongst the former was the "Florentine Statute" compiled and arranged in 1413 by Paulo di Castro a celebrated jurisconsult of that day, and chiefly taken from already existing laws. Though comprehensive in its provisions this could not meet every possible case and therefore was remedied by supplying each magistracy with a minor code adapted to its peculiar duties and locality, but only as supplements to the Florentine Statute. Numerous other laws, both statute and common, existed in the various towns of the district, not as appendages to the Florentine Statute, for many were more ancient, but originally compiled for independent local government and full of provisions at variance with those of Florence, which generally left the vanquished in the enjoyment of their own institutions.

The unceasing changes in men and things render a blind adherence to ancient laws, apart from their principles, an absurdity too glaring for civilized men; and it was a bold answer, even of Locke, when asked to legislate for Carolina, to say that he would do so provided his laws were only to last a hundred years! The Florentines never delayed so long; periodical reformation had been a custom from early times, and continued under the Medici. All the statutes of the contado, city, and district, were thus subject to revision every five years, and any alteration suggested by time and experience emanated from the communities themselves through their deputies at Florence, who were named "*Reformers.*" These acts were ratified by sovereign authority and the documents in duplicate preserved as well in the local archives as in those of Florence, established in 1284 under the name of "*Archivio delle Riformagioni,*" or "Archive of the Reformations." Under the Medici this latter duty more especially devolved on the senate and supreme council, who accelerated the execution and reported the neglect of these reforms in the proper places.

The Florentine statutes, which at Leopold's accession were more than five hundred, are nevertheless far from being a complete code as regards police, finance, and the general administration of justice *. Siena which was always kept separate from Florence also had its *Statute of the City of Siena* with distinct laws and local courts, and reference in case of need to the metropolitan statute as in the Florentine territory. Besides these all the small Medician acquisitions had their respective laws customs and reforms, quite away from either of the dominant cities or their immediate territory.

* Twenty-one volumes of the Medician laws alone are in the Archive of the Reformations, besides a multitude of others still more ancient, and the numerous additions of the Lorraine and Austrian dynasty. This Archive, the most difficult of access (except to Germans) of almost any in Florence, is replete with interesting historical matter, the burial of which reflects no credit on the government.

What has been thus noticed comprised the municipal law of Tuscany; but the old Roman code, said never to have been disused since the ancient jurisdiction of that people, was also in action and could scarcely be called exotic, a term better applied to that of Justinian which modifying the more ancient one was generally though not universally received in Italy *. The former remained until the French Revolution untouched by statute law, and governed all civil and criminal justice. To this body of civil law were annexed the feudal laws of Lombardy to which every cause of that nature was referred. The Tuscan canon law consisted not only of that properly so called, but also of the various papal bulls successively published: its contradictions were glaring: for while on the one hand acknowledging that its authority solely depended on long-accepted custom or the national government; on the other, the ecclesiastics asserted that this was not always necessary; and moreover claimed a right of determining the exceptions. The consequence was continual altercation about the nature of past obedience and accepted custom: this was sustained by divers courts with various rules and maxims, the ecclesiastical favouring pontifical authority; the lay courts following different principles: hence national jurisprudence became overshadowed and sovereign authority rose or fell according to the ruler's character and the general strength of parties. Another source of strife was the priestly claim of immunity from secular authority for goods and person, which, besides the innate spirit of ecclesiastical encroachment, probably came from the ancient Lombard custom of letting every man choose the law by which he wished to be governed, whether it were Roman, Ripuarian, Lombard or Salique; and ecclesiastics having been always subject to the first

* To prevent its spreading by means of the universities, several Italian cities made municipal laws, as we are told, condemnatory of the newly discovered Code and Dispositions of Justinian, and confirming the older Roman jurisprudence.

wisely held to it as most excellent; they maintained it in their courts, vindicated their right to it, even against the government under which they lived, and denounced all those laws which they called "*Laical*" as unacknowledged and unchosen by themselves. In Tuscany this pretension was partly admitted and partly opposed; no distinct line could be traced, because each party by starting from different principles came generally to adverse conclusions, so that the same cause might be affirmed in one court and negatived in the other, and thus the laws remained paralysed. The boundary between Roman *civil* law and statute law was distinct, the former always yielding to the latter, which in its own action moreover was clear, because the latest enactment remained paramount and the general ceded to the particular statute: the boundaries of Roman *Canon* law on the contrary being uncertain fluctuating and nearly indefinite, were admirably suited to the object of its supporters, which was always to penetrate at every unguarded point of their opponent's position. The maritime code of Florence, that of the "*Consolato di Mare*," sprang from the ancient statutes of Aragon and was generally received by the Mediterranean traders and nations as unquestionable authority in all commercial differences. Such were the various foundations of Tuscan jurisprudence, which like that of other nations professed to protect person and property according to generally beneficial principles dictated by justice and humanity; but like others too the theory and practice were wide asunder.

The destroyers of Florentine liberty although endeavouring to reduce every institution under despotic rule were still forced to preserve the cumbrous forms of freedom, and hence their provisions for the active despatch of business were unavoidably imperfect: a periodically changing cabinet was inconvenient, and Cosimo I., jealous of his power, moulded the executive into a more pliable shape by creating secretaries of the "Tratte" and "Reformations," an Auditor Fiscal, and an Auditor of the

Chamber, all with great powers and together forming a council of Secret Consultation called the "*Pratica Secreta*," in which business was reduced to a proper state for laying before the Prince. The ancient Florentine secretaryship finally became that of the Reformations, but after having passed the intermediate steps of "Secretary of the Senate," and "Executive Officer of the Supreme Magistracy:" he was also to a certain degree Speaker of the former and Council of Two Hundred; he convoked those bodies, proposed all questions for discussion by royal command, was the public orator on every great occasion in the people's name, as represented by those two councils, and arranged the ceremony of annual homage on the Baptist's festival. As Keeper of the Reformations he directed all legal reforms, and with the sovereign's approval governed their execution; for there was much jealousy about the mode of provincial administration which having been originally modelled on free self-government became unpalatable at court. This officer was likewise Keeper of the Great and Privy Seal and became altogether one of the most distinguished ministers. The Secretary of the "*Tratte e Suppliche*" or the Drawing and Petitions, originally subordinate to the Secretary of the Senate, now rose in rank; he assisted at the distribution of offices drawn by lot; was the channel of communication or proposer of those chosen by the Prince, and published their names in conjunction with the councils. A more important duty was the presentation of petitions, for the reception of which a window opened from his office on the public street: none were rejected unread: the eyes and ears of Cosimo I. were open to everything for he was wise and sagacious, and between man and man sufficiently just, yet not always clear-sighted in things inapplicable to individual policy or personal revenge. Requests for place or favour were at once laid before the Grand Duke with the secretary's remarks; if for justice, or other objects of great importance, they were previously examined by the Auditor of the Chamber

and "*Pratica*" and subsequently by its successor the "*Consulta*," and thus continued until Leopold's time when petitions were indiscriminately presented and promptly answered.

The office of "*Procuratore*" or Attorney-General called also Auditor Fiscal, was created in 1542 with extensive powers; amongst them the *ex-officio* governorship of Florence. He directed all criminal state sentences, was chief executor of justice, in which character neither the ordinary criminal court of *The Eight*, nor any country judge could pass sentence without his sanction. A seat in the Supreme Council and the presidency of every other criminal and financial court completed his excessive power, so that the private character of this functionary exercised a singular influence over public happiness, and with but slight alteration the office remained until the great disruption under Leopold.

The Auditor of the Chamber's office which was afterwards altered into the *Consulta* or Board of Consultation, was of great importance, because this judge sat to hear appeals made to the sovereign in person as well as to receive petitions. Though invested with no particular jurisdiction yet as confidential adviser of the crown in appeal cases he gained an ascendancy which subjected the acts of all other tribunals to his personal and continual revision.

The Pratica Secreta had no regular jurisdiction and was even commanded not to take cognizance of any affairs except those sent by the Prince; but in point of fact every business of consequence came before it, so that it really formed the supreme court although the other retained that name with official forms, and some minor duties. By such modifications Cosimo I. facilitated all government operations while the sovereign power remained secure against any dregs of republican institutions likely to clog his despotism: the magisterial authority, temporary in its own nature, was now fixed and limited in every tribunal by permanent assessors named by himself, who as the only con-

stant functionaries soon absorbed all real power; the court was bound to act by their advice, and could pass no definitive sentence unauthorised by the Prince through his Auditor Fiscal. In civil cases, besides the assessor's consultive and generally casting vote, Cosimo opened a channel of constant communication with his own person, confirmed the "*Sindicato*" or Board of final investigation into the public conduct of the magistracy, and throughout the finance department had responsible permanent agents of his own selection. Under him the clusters of free institutions which once decorated ancient Florence, resembled so many festoons of singing birds' egg-shells with nothing left but their original colouring; the empty forms of bygone liberty. In the class of citizens he made no especial change except that of a new order of knighthood as a naval force against the Turks; but in its general character much: the cavaliers of San Stefano took rank after senators, made no vows of celibacy, were not excluded from the magistracy, were governed and represented by the Prince and a council of twelve, but never belonged as a body to the national government. The distinguished rank of *Statuale* maintained itself in families able to support the dignity, until the Medici abolished all qualification and let every citizen enjoy public rights and honours: the result was magisterial degradation by a mixture of the lowest artificers without rank education or fortune, mortifying in the last degree to those proud citizens who found themselves seated next to their tailor or barber; and were obliged to give him precedence too if he happened to be an older man. Thus under the absolute monarchy equality existed without civil liberty, and under the republic civil liberty without equality! But this ruin of distinctions was not real equality: it was exaltation on one side and degradation on the other: there was a painful shock given to the tastes habits feelings and ancestral recollections of the gentlemen that became a positive and unmerited punishment

and therefore practically and individually unjust however good the principle: if the humbler citizens thus raised had been men of education the case would have been different; but the gentleman who (by some strange accident) may be condemned to the workhouse, undergoes a far more painful sentence than the peasant or common artisan; the one is in every way both morally and physically degraded, wounded in every feeling and habit of his life; the other generally goes to better shelter, better food; perhaps not more work; and amongst the same class of society with which, at least in manners and customs, he has been familiar: true he loses so much labour or capital, which with a suffering family aggravates the punishment, and the gentleman may deserve severer treatment than the more ignorant peasant; but the penalties are unequal.

In consequence of this change the citizenship ceased to be a proof of noble descent in Florence; yet Pisa, Siena, Cortona, Arezzo, Volterra and Pistoia preserved their ancient gentility; and while the Grand Duke of Tuscany by public acts acknowledged certain citizens as nobles, the same prince as grand master could not admit them into the order of San Stefano; and even at court a marked distinction existed between the old nobility and new made citizens. Altogether it appears to have been a skilful stroke of policy, intended to break down the civic aristocracy and make nobility depend on the court alone; but it also augmented the revenue arising from citizenship, because the qualification only, not the higher taxation, was annulled: it moreover gained popularity amongst the excluded class and thus strengthened government; for it was made a personal favour from the prince not a general law, and acting gradually it precluded any outburst of anger from the higher orders, whose spirit was fast sinking under despotism. In this way were insidiously destroyed even the time-worn ruins of Florentine liberty! But its ultimate effect was to fill the general magistracy with the poorest and lowest classes of society, a change probably not

unintended by Cosimo I. who wanted a pliable obsequious and perhaps ignorant magistracy, men who would throw all real power into his assessor's hands while sentences were past in the ancient name and forms of republican courts. Considering the situation in which these magistrates were placed by the Medici, who chose rather to shackle than destroy, it is easy to conceive that the selection of persons for such offices very soon became equally indifferent to the prince, the public, and to justice.

At Leopold's succession magistrates were still drawn by lot, and in those offices reserved for the sovereign's choice fitness was the last thing considered: they had become a means for bestowing favours or dispensing alms: yet numerous as they were, the salary was so small and their duration so brief, that while multiplying the opportunities of patronage they never tempted the learned wealthy or ambitious, or assisted in recompensing talent and public service. At Leopold's arrival the tribunals are consequently described as "*an indecent mixture of the plebeians, the ignorant and the indigent.*"

The MAGISTRATO SUPREMO, the PRATICA, and the CONSULTA became successively paramount, because the Grand Duke's presence in each carried all authority along with it, but none were abolished in form, only functions. The first as we have seen subsided into a mere court of justice and final appeal, the sovereign being supposed present, and was frequented by minors, paupers, widows, septuagenarians, ecclesiastics, and foreigners; who to avoid the legal delay of other courts were privileged to demand immediate justice of the sovereign himself; for he was thus supposed by a legal fiction to settle the disputes of relations, and even of masters and servants if inferior tribunals could not previously reconcile them. As a court of equity it was unrestricted by forms, uninterrupted by vacations, and ostensibly prompt in its decisions; but practically it fell into the usual habits and was subject to similar delays, yet had most business because its judgments were final. It moreover possessed

the important functions of supplying testamentary omissions, the care of spendthrifts' property, and various others, unnecessary to mention.

The Pratica Secreta in its turn faded away with the departing beams of royalty, then beginning to enlighten the different secretaries of state, who with the Prince and any person he pleased to summon formed a council which generally avoided internal affairs: the minister of the interior was therefore kept distinct and corresponded directly with the Prince, but did not meddle with ecclesiastical business which exclusively belonged to the *Secretary of the Jurisdiction*.

There was also a "*Depositario*" or receiver-general of finance who sat with the Pratica but corresponded with the Prince about his own duties. Besides these deductions from the Pratica, more important changes occurred by creating the Consulta, a court intended to examine appeals made to the sovereign in person through the former council: again therefore authority followed the monarch's person, rescripts supplied the place of formal jurisdiction while decisions were necessarily final. Thus without nominal authority or even any tangible existence the Consulta became a court of final appeal, suspending statutes, and occasionally even altering wills, besides other dangerous powers, which prove how rapidly despotism overlaid free institutions, a despotism still existing in mitigated action, but with all its ancient plenitude.

The military force, Pistoia, and afterwards Pontremoli were exempted from the Consulta's power; Porto Ferraio, Giglio, and some part of Pisa also were ruled by a board called the CONSULTA OF THE CONGREGATION of LEGHORN which corresponded directly with the Prince, as did several other departments, such as the "*Scrittoio*" which superintended the Medician patrimony and crown lands with the usual civil and criminal jurisdiction; the Grand Duke being always both judge and party, and in fact prosecutor in his own cause, unrestricted by law

custom or appeal! Every thing relating to the chace was governed with excessive rigour by the "*Grand Master of the Hunt*" aided by the "*Auditor and Secretary of the Acts;*" the latter being *ex officio* the Prince's counsellor in all deeds of grace and justice; an office much needed where the judge and party were identical, especially in the preservation of game, which our own native experience demonstrates to be more successful in hardening the heart and obscuring the judgment by its peculiarly selfish and tyrannical spirit, than perhaps any other of Mammon's most baneful offspring.

The order of San Stefano, the Colleges of Florence and Pisa, and the acquired possessions of the Grand-Ducal Medici, were free from the Consulta's power: Siena was managed by a Consulta of its own, composed of the Auditor Fiscal, the Receiver-General and the Auditor of the Florentine Consulta. The household was controlled by its chief officers independently of each other, but in personal communication with the Prince.

Royal decrees were variously promulged. First by what was called THE MOTUPROPRIO. Second THE RESCRIPT at the petitions of individuals. Third by Rescript in answer to public officers at the representation, or with the participation of private individuals.

The MOTUPROPRIO or mandate was an autograph expression of sovereign will countersigned by the secretary of state.

The RESCRIPT was an autograph answer to private petitions countersigned as above.

The RESCRIPT of PARTICIPATION, or more simply THE PARTICIPATION, was a sovereign command subscribed to reports made by ministers and magistrates on the business of their departments, signed and countersigned as the others, and thus became their authority for acting. These forms were the root and warrant for all laws decrees and proclamations issued from the several state departments, although merely signed by the head of each. There were particular secretaries intrusted with

the formation and management of these warrants, but all other affairs were despatched in the name of the secretary of state alone.

For two years after the Medici's extinction no alteration was made in the machinery of Tuscan government; the regency occupied the sovereign's place; his signature was affixed by the Secretary of the Cypher, countersigned by others and approved by the chief regent's *Videt*; then several changes occurred; the Consulta lost power; that of Leghorn ceased; that of Siena, the Boards of Chace and Fisheries, besides many others were considerably restricted and changed. In 1746 a Council of War was created, and the next year a President of Finance discharged all the duties of this department until the office, with a confused multitude of duties, became identified with that of the Chief Regent.

The Florentine magistracies were threefold, namely that of *Civil and Criminal Justice* generally; *Finance*, with departmental civil and criminal authority attached; and "*Buon Governo*" or police, both penal and preventive: all the magistracies exercised a civil and most of them a criminal authority, but only with reference to the business of their several departments. In the first class of these was the RUOTA * or wheel, in which was preserved the power and dignity of *Podestà*, each of the five judges composing this court bearing them in turn for six months as president, with precedence of all the others; and hence the derivation of its name. When the jurisdictions were separated in 1502 the civil side was assigned to the Ruota or "*Council of Justice*," and the criminal to the "*Magistrato degli Otto*" or the Magistracy of the Eight; and as the abolished Podestà's power consisted of both united, and that he was a foreigner, the five Auditors of the Ruota were supposed by legal fiction to be foreigners also, (though the EIGHT

* Hence is probably derived our military term "*Roster*" or list of officers in turn for duty.

were not) and changed periodically; but the Medici made them permanent. Two did the duty of ordinary judges with half the city for each, but there was a right of appeal to the remainder, thence called "*Judges of Appeal*," whose judgment if unanimous was final; if not, the cause was reheard by the whole bench. Within a few days after trial they were compelled to publish the grounds of their decision, and these "*Motives*," as they were termed, served both as legal precedents and explanations to the litigants. During the republic these judges were called to account like the Podestà, at the expiration of office, for which a temporary commission of inquiry called the *Eight Syndics of the Ruota* was appointed by lot, with a legal assessor, who within fifteen days investigated all complaints of mal-administration, and pronounced sentence of condemnation or absolution in open court. The honesty and exemplary manners of these judges which arose principally from the rigid execution of a power so beneficial, caused its ultimate failure, because in time it dwindled to a mere shadow of foregone integrity and a veil for subsequent dishonesty; so baneful is even good example sometimes in the hands of knaves, and so necessary an occasional bad one as a beacon for honest men. The Ruota's conduct gradually became unsuspected, and finally unexamined; and hence malversation dishonesty and corruption; a contraband trading on long-acquired reputation and public confidence. The CORTE DI MERCANZIA or Commercial Court came next after the Ruota in public estimation, for to favour trade, the delay of other tribunals was there most studiously excluded. The *Six Counsellors of Trade* which composed it were drawn by lot half-yearly: it was a court of appeal from the decisions of each particular Art, from those of Florentine consuls in foreign ports, and from rectors and judges of Florentine communities; over which it had concurrent jurisdiction with the ordinary metropolitan tribunals. A legal judge under the title of

"*Foreign Officer*" was its assessor, because in earlier times he was a stranger elected for a year by the "*Six*" who after a scrutiny dismissed him; but the Medici subsequently ruled all these elections. It was essentially a court of bankruptcy, and gave judgment in all cases with the assistance of the "*Foreign Officer*" or any other judge preferred by the litigants; a common custom in nearly all the Florentine courts. When more agreeable to the parties a quicker process was adopted called the "*Ricorso*" or representation, a term belonging almost exclusively to this tribunal, by which eighteen merchants' names were drawn from its purse who in ten days and three hearings were bound to give judgment. Executions on debtors by creditors came also before this court, which proceeded according to ancient laws and customs, all favouring the latter, in order to encourage good faith and general commercial integrity. The assessor in such cases became judge of the court and decided in his own name, but subject to correction by appeal to the ordinary judge of the quarter.

The ARTI or trades were twenty-one, but nine only were bodies corporate with magisterial power, to which the rest were subordinate: these were the bankers, merchants, wool and silk trades, physicians, apothecaries, furriers, leather-dressers and builders. The magistracy of each was composed of four citizens drawn by lot from purses made up and kept in the commercial court; and had a term of office co-existent with that of the "Six Counsellors," who took cognizance of any cause after four months' duration before the former, as well as of those between strangers and the trade itself, if appealed to. The principal duty of these magistrates, or CONSULS OF THE ARTS, was to maintain order and subordination according to the statutes of each trade, which had originally been formed to preserve faith, to encourage business, and extend commerce; but in after times were multiplied so injudiciously as to be detrimental to all, as will be shown hereafter. Their jurisdiction extended to a variety of matters

beyond the mere police of trade and the management of charities, which were usually consigned to their protection: frauds in manufactured goods, prohibited merchandise, contributions to the exigence of trade, matriculation fees; all came under them. Each had an assessor named by the Prince, but the wool-trade a judge and "*Foreign Office*" who, besides his assessorship, exercised a separate personal jurisdiction in suits between artificers not belonging to any of the trade-corporations, a very numerous class, the real populace of republican Florence. Thus it appears that self-government was the moving principle of the Florentine republic; and its destruction, without injury to forms, that of the monarchy; the one gave up as small a portion of individual liberty and power as was possible; the other absorbed all, and concentrated it within itself.

The drawing academy was also governed by a Board of Consuls consisting of an architect a sculptor and another artist, all selected by lot from the body of academicians for four months, under the presidentship of the sovereign's representative, chosen amongst themselves, but with the usual magisterial authority.

The Art of judges and notaries was alone free from the commercial court: it was composed, as a magistracy, of nine doctors of law or notaries, eight of whom were designated Consuls and the ninth "Proconsul of the Art," which gave the name of "Proconsulate" to this tribunal: its period of office was four months with duties including every branch of the legal profession, in which its judgments were final. For the custody of the archives an annual magistracy of three citizens was established by Cosimo I. under the name of CONSERVATORS OF THE ARCHIVES, one being always a senator and one a doctor of laws.

The COURT OF MINORS AND ADULTS which included madmen widows and artisans, was composed of five citizens, three chosen by lot amongst fathers and married men, who were deemed best

fitted for this charge; the other two, a senator and doctor of laws, were named by the Prince for a year, as well as two assessors whose opinion was followed on points of law, and even in giving judgment if the privilege of appeal to "*Relatori*" (judges belonging to other courts) were not claimed by the suitors; but the fees in every case came out of the property under its charge.

The RECTORS OF THE STUDIO or College, was a republican magistracy for the government of the Florentine University; but this having shifted to Pisa its authority was transferred by Cosimo I. to the Academy of Florence which he instituted: the members elected each other and their consul, whose jurisdiction extended over printers booksellers and similar trades.

The CONSERVATORS OF THE LAWS were created in 1428, to insure an impartial administration and therefore became a court of "*Ricorso*" or appeal from any judge: it had power to bring all chiefs of tribunals in the contado and district to a strict account at the termination of office; therefore the vouchers of local magistracies and communities became necessary to absolve them from legal punishment or official disqualification. In theory this tribunal was excellent, but like all institutions, unless frequently reduced back to first principles, it eventually became corrupt: the powerful magistrates escaped, the weak were punished; and the poor (for whom it was partly created with moderate fees) had no real benefit. Eight citizens, one of whom was a senator, and an assessor for contested points, were named half-yearly by the Prince to form this court, but with the usual privilege of reference to a "*Relatore*" for dissatisfied litigants.

The OTTO DI GUARDIA E BALÌA was the ordinary criminal court; and successor to half the power of the ancient Podestà: it was formed of seven ordinary citizens and a senator, renewed three times a year by the sovereign: its authority extended from Florence throughout the whole dominion, and no criminal sentence could be published without its sanction after a full exa-

mination of each trial. As it was composed of unprofessional men the form of process in each cause was first drawn up for the assessor by officers appointed to that duty: this functionary, named by the Grand Duke, then opened the case by pronouncing his opinion or *Vote*, and of course gave a decided tone to the proceedings, which the secretary, also a royal appointment, confirmed by an examination of the process followed, in the court's name, by his own opinion: the trial then went to the Auditor Fiscal, and after examination, through him to the Prince; but until then no sentence was passed. This circumspection, if it were indeed sincere, became the more necessary because only one sentence was pronounced and that by the sovereign, which precluded any appeal. This was published by the Auditor Fiscal in the shape of an opinion and considered that of the crown, although perhaps at variance with the other two; but as all three were published their discrepancy gave a fair occasion for considering the propriety of allowing the convict to petition for mercy, which was in fact an appeal. This court also exercised the "*Giurisdizione Pettorale*," or summary justice about petty causes, for which it met twice a day; and over all other crimes, except those exclusively belonging to the jurisdiction of each particular magistracy, its ordinary powers remained; but in criminal matters its power extended even to the transgressions of individual magistrates in their official character, besides an especial interference, under certain circumstances, with the decisions of other courts.

The MAGISTRATURE OF THE BANDS governed the Tuscan militia; not that of the "*Nine Officers of the Florentine Ordnance and Militia*," introduced by Macchiavelli, but a board consisting of one or more staff-officers with an assessor called the "*Auditor of the Bands*," all appointed by the Prince *; and

* By Macchiavelli's plan the person who *proposed* a candidate for the magistracy of the "*Nine*," if successful, received a broad golden florin as a reward for his judicious choice of a public officer.

in crimes not entirely military, prisoners were amenable to the civil law assisted however by their own judge.

Two magistracies named SOPRASTANTI and BUONOMINI, presided over the debtors' prison called the "*Stinche*," now demolished*: the first, or superintendents of the Stinche, was formed of five citizens drawn by lot from the usual purse of the citizenship and took cognizance of all causes between debtor and creditor: the second consisted of four citizens elected three times a year by the supreme magistracy, who employed themselves only in charitable duties, such as collecting alms for the prisoners and acting as mediators between them and their creditors.

The ARCHBISHOP'S COURT under the presidency of his vicar was the ordinary ecclesiastical tribunal, suitors having a right of appeal to that of the nuncio the last resort of every Tuscan diocese; for though appeals might be made direct to Rome they were really decided at Florence by an apostolical delegate with assessors.

The more formidable INQUISITION had authority to prosecute all the world, lay or priestly, independent of any court or even of the national government; its encroachments were impatiently suffered by the Medici and resisted by the succeeding dynasty. This produced a concordat by which its authority was divided with the nuncio and Archbishop of Florence and its action paralysed, except with the assistance of deputies from the Prince.

The Jews had also a tribunal called the MASSARI which under state protection and ancient privilege had jurisdiction in all civil matters amongst themselves without any appeal.

The division of judicial labour was extreme: when any new tax appeared laws were simultaneously enacted for its management and a Board of Directors was immediately created as an

* For an account of the ancient Florentine prisons called the "*Stinche*," see a little pamphlet written at the period of their demolition by my worthy friend *P. J. Fratecelli* of Florence, the talented editor and annotator of the "*Opere Minori di Dante*."

independent court, armed with civil and criminal jurisdiction, although finance alone was the object of its formation.

The most noted of these imposts was the Decima, already mentioned as a tax on real property in Florence and the contado: to facilitate its action a minute description of private possessions, noting all changes and alienations, was registered and periodically corrected. This still forms one of the most useful and important archives of Florence, as well for the genealogy of families as the title to and transfer of property. The ecclesiastical possessions held before 1515 were thus registered, without however paying the Decima, but all subsequent alienations were made subject to this tax by a concordat with Leo X. Nevertheless by a pontifical *Indult* a Decima was levied on all ecclesiastical property thus exempted from the state Decima, but only for the purposes of national education: it was both collected and applied by secular authority, and of course with continual quarrels which finally brought forth an apostolical commissioner who along with a lay assessor decided them. The "*Ufiziali*" or officers of the Decima, consisting of four citizens, an assessor and "*Proveditore*," directed this impost; but along with every subordinate officer, were annually nominated by the Prince.

By an edict of 1740 a magistracy uniting in itself the functions of eleven ancient tribunals was created under the title of CAMERA GRANDUCALE, or Grand-ducal Chamber. Most of these related to finance: namely, the *Board of Customs;* the *Providers and Collectors of the Gabelle and Contract Duties,* which was composed of three citizens with a code of extremely intricate and rigorous laws; the *Congregation of the Flour Department;* who taxed butcher's meat and the grinding of bread; the *Office of Royal Possessions* or superintendents of the *Private Patrimony* as distinguished from the *Patrimony of the Crown;* the *Magona del Ferro* which directed the royal monopoly of iron both in its sale and manufacture;

the Lottery, a very ancient poison but apparently reimported from Genoa in 1739; the two *Masters of the Mint*; the Post-office and the *Masters and Providers of the Salt Tax* a board of great oppression which superintended the manufacture of salt, tobacco and spirits, the administration of the Post-office, Post-masters, taxes on innkeepers, carriers, and others. There was also another board composed of the Provider of the Salt Tax and five high officers of state called the *Congregation of the Salt Works* especially charged with the forced distribution of salt; because on the frontier and in other suspected parts every family was compelled to purchase a specified amount for domestic consumption as calculated by government. The *Deputed Judges of the Chace and Fisheries* were subsequently added though unconnected with finance, for their office was merely to prosecute breaches of the game laws. This complicated magistracy was first composed of three, and then of five judges, with the Deputy Auditor Fiscal to protect the royal and fiscal interests, which was his duty in most of these incorporated magistracies, for all fiscal powers concentrated in the Auditor.

The MONTE COMUNE or Funded Debt Office had originally been the treasury and was still at Leopold's accession the receptacle for some of the old permanent taxation; but under the Duke of Athens when Florence began to contract debts for the wars of Pisa and Lucca some of the public revenue was alienated to pay their interest; hence the rental of this Mount was divided into two parts, one to satisfy public creditors; the other to pay the municipal expenses of Florence. It was composed of five *Officers of the Mount* all chosen by the Prince, three of whom, called *Supersyndics*, were added in 1753 with power to bring all persons connected with the revenue to strict account. The Auditor Fiscal was here also chief assessor, but in 1759 the official title was altered to that of *Revision and Control of Accounts*.

The MONTE DI PIETÀ was at first a charitable loan fund and protection against usury: it borrowed money at a low rate and lent it at an increased but still moderate interest, all expenses being paid by the profits. In time the government also began to borrow money of this fund and renewed its demands until bankruptcy ensued: to meet the creditors' claims a part, but not sufficient, of the public revenue was appropriated; nevertheless the Monte di Pietà continued to pay in proportion to its means, but insensibly assumed the character of a national stock without discontinuing its small loans to the indigent under the security of pledges. This magistracy, called the *Protectors of the Monte di Pietà*, was composed of six members and an assessor elected by the Prince with a host of subordinate officers.

The MONTE DEL SALE or Salt Fund, so called because the salt tax was assigned to it as interest for this branch of the debt, was also governed by "Protectors" and an assessor, all named by the Prince.

The fourth, named the REDEEMABLE FUND or Mount, was ruled like the last, with the addition of a "*Proveditore*" and other ministers to conduct its domestic affairs, collect revenues and keep the accounts of the Montisti or shareholders. Besides these many more Mounts had previously existed, such as the "Monte Libero," "Monte Graticole" and divers others: the last after swallowing up all the rest fell itself into the "Monte Comune" about the year 1739. For this purpose a general magistracy was created called the *Superintendents of the Mounts* composed of three but afterwards of only one commissioner to concentrate all these stocks in one consolidated fund. Three stocks were thus united, but the Monte di Pietà always remained separate and is all that now exists.

To this complicated machine of financial government must still be added another wheel; the DEPUTIES FOR GENERAL AND EXTRAORDINARY TAXATION. It was composed of three senators with power to apportion and collect all those impositions on

the people which sprung from war or other contingency. Each of the above named magistrates acted without appeal, all had civil and criminal jurisdiction, and the whole was a mere creature of the sovereign will.

The tribunals relating to police come next in order, and among them the HEALTH OFFICE held a conspicuous position: six citizens appointed at the sovereign's will had supreme authority throughout the state in their own department, and were maintained by a rate self-levied as occasion required. The ANNONA or, as it was afterwards called THE MAGISTRACY OF ABUNDANCE, was so ancient that there are no records of its institution: Florentine authors have declared with some appearance of reason that although modified by time and circumstances it was a surviving remnant of the frumentary regulations of ancient Rome: its prevalence amongst the Franks and Visgoths is deduced from their laws, and both Malespini and Villani notice it as already existing in 1284; but there are manuscripts of the Strozzi family which, as quoted by Cantini, mention the sale of twenty-four Moggia of pure wheat in 1139 for twenty-four pounds weight of Lucchese denari, by the Abbot of Saint Mary's Convent, to the Florentine consuls for the Annona*. The primitive constitution and regulations of this office are unknown, but in early republican times it was composed of eight citizens styled "*Officiales de blado platee orti Sanct Michaelis*" and subsequently "*Ufiziali dell' Abbondanza.*" Four were chosen by lot, the rest by the Seignory, but afterwards all were of royal nomination. Purchasing foreign grain when cheap they sought to regulate the cost in times of scarcity by selling it to the bakers below market price, and again forcing their sales of stock on hand at a price a little above this mark when corn became abundant.

* "Annus 1139. Abbas Monasterj Sancte Marie vendidit Consulibus Florentie pro Annona publica xxiv. modios grani puri pro pregio xxiv. libras denariorum Lucensium." (Vide *Cantini, Leggi*, vol. iii.) The title of this office was, "*Ufizio dell' annona e Protettori dell' Abbondanza.*"

The object was an equalization of value throughout the year by expending the forced gains of an abundant time in the purchase of a provision against one less fortunate: thus their profit and loss was supposed to be nearly equal, and the difference between a minimum and maximum market price in ordinary times was accounted trifling. The inutility and absurdity, to say nothing of the injustice of this plausible system was not unobserved even by the Medici: Ferdinand II. for instance would have reformed it, but the prejudice habits and fears of the nation were opposed, and it was only Leopold's energetic mind which finally shook off the incubus.

This office was not responsible to government for its disbursements, but Cosimo I. abolished its ancient form in 1556, and this was again changed by Leopold, who united the two boards of the *Grascia* and *Abbondanza* under the common title of "*Congregation of the Annona*" as a step to their final suppression*. Amongst ancient republican customs there was one peculiar to this office, perhaps not originally so absurd as in its subsequent observance. The officers of abundance formally ascended the tower of *Orto-San-Michele* on the third of February to reconnoitre the surrounding plain, and as it appeared to wave more or less luxuriantly with the coming harvest so did they decide on the necessity and extent of their annual purchase of grain †.

Besides these officers there were others that like those of the Grascia interfered with the sale of all sorts of food; such as the consuls of certain minor trades; namely the butchers, vintners, fishmongers, and so forth, who all superintended those duties of the Annona which affected their respective callings. The GRASCIA was a similar institution composed of four citizens and a senator under the Medici and called *Ufiziali della Grascia* or officers of general provisions: by them the price

* Cantini, Leggi del Granducato, vol. iii., p. 108, Sep. 1556.
† Ibid., vol. iii., p. 60, Illustrations.

of all other food was regulated; weights and measures watched; disputes between servant and master settled, and the usual civil and criminal jurisdiction in their department possessed. Provisions were regularly collected by this office, especially live stock, which the farmers were compelled to fatten, under severe penalties; this occasioned continual disputes and corresponding tyranny without any redress, because all profits of stock went into the public treasury. The principal object of this institution was apparently to secure a certain amount of animal food for the country by its official vigilance, instead of leaving human tastes and interests to work out their natural consequences.

The CAPITANI DI PARTE GUELFA, or Captains of the Guelphic Party, was a magistracy of great power and influence especially during the rivalry of the Ricci and Albizzi: originally created to watch the Ghibelines and manage their sequestered property, it by degrees acquired the custody of all state possessions, including rivers, roads, castles, fortifications, the walls of Florence and other towns, all in short but confiscated estates which went at once to the Fisc. It superintended the woods and forests, ship timber, and public works; for this a Board of Architects was attached to it, and by Cosimo I. the *Ufiziali di Torri* or Superintendents of Towers, were superadded. The latter office, according to the "*Libro della Luna*" cited by Cantini, originated in very early times when the great defence of Tuscan cities was their towers, not ramparts: it gradually absorbed the duties of other Boards such as the supervision of tolls, roads, mills, bridges and markets; most of which devolved on the Party Guelph. There were Eight Captains of Party and two *Officers of Rivers*, (so called from the incorporation of an old office bearing that title) some drawn by lot, others of royal nomination; and two subordinate Boards of lay and ecclesiastical landowners were also attached to settle the labour and expense of draining and otherwise improving the whole valley of the Arno. A magistracy called the NINE CONSERVATORS OF

FLORENTINE JURISDICTION AND DOMINION was one of the most important in Tuscany from its influence on provincial governments: three of them were senators and all nominated half-yearly by the sovereign. To this office was consigned the guardianship of municipal governments and communities with the administration of their estates: each community had its particular revenue either from possessions or taxes, and this met all local expenses, such as schools, public doctors, roads, aqueducts and so forth, as well as those proceeding from works ordered by the NINE for public convenience.

The various Tuscan communities great and small were at first self-governed, but gradually lost this power and were finally altogether stripped of it by the Medici who created the above office, giving it a *Veto* in all municipal discussions and a resident deputy to prevent disorder. This officer, under the name of Chancellor, very soon absorbed all local power and became the master; for except the rural Monti di Pietà and other charities under ecclesiastical government, almost everything beyond the walls of Florence acknowledged the authority of the NINE. It had two assessors and an officer of finance called the *Supersyndic* who inspected the whole body of provincial accounts.

A Board called the CONGREGATION OF SAINT JOHN THE BAPTIST, was also established to regulate the number and particular class of poor people entitled to beg, and to provide work for others. This society, which had penal authority, was formed of seventy-two members, a secretary, and assessor, all named by the sovereign, but acting through a Committee of Twelve, and had its own prisons. The OPERA DI SANTA MARIA DEL FIORE or Board of Works attached to the cathedral, was composed of three citizens of the wool trade, (which had anciently furnished most of the funds for its erection) one of them being appointed by the sovereign. The church of SAN MICHELE IN ORTO was under a magistracy called the *Captains of Orsan-*

michele. It was formed of eight citizens drawn half-yearly, with power over the property of women and minors, but the whole Board was suppressed in 1752 and the affairs of this church consigned to a single magistrate without jurisdiction. The last magistracy necessary to notice is that of SANTA MARIA DEL BIGALLO, which governed several public hospitals and had revenues assigned to support an asylum for abandoned children. This court originated in the persecution of the ancient *Paterini*, and was formed of twelve laymen named by the Prince, with a priest by the Archbishop of Florence. Several deputies under the name of *Operai* were created by Cosimo I. to superintend the repairs of female convents and control the nuns without direct interference, but corresponding with a permanent Board at Florence which had regular jurisdiction and was the official channel of all sovereign commands to the conventual superiors. There were a multitude of other magistracies far too numerous to mention; amongst them the UFIZIALI DELLA MODESTÀ, which was charged with the supervision of courtezans and licensed "*Ruffiani:*" the former were obliged to wear a peculiar dress, but allowed to have certain ornaments forbidden to modest women.

The above dry and tedious recapitulation will at least afford a concentrated view of the very complicated machinery of Florentine state government and show how despotism pervaded every spring and wheel: it will also give some notion of the extent and condition of the field which Peter Leopold I. had to clear and work up into a fit state to receive the seeds of public liberty which he contemplated sowing; an object beyond the spirit of the age, and especially of the general feeling and comprehension of Tuscany at that particular period. Yet he there found some strong and able, some congenial and enlightened minds; and when these were gone, if he had searched for others, instead of entirely trusting to his own personal energy, his plans would have succeeded better and his reforms proved more

stable than they ultimately did: yet he performed a herculean task! But the acts of any single mind in advance of the age sink flat and lifeless for a while after that spirit is departed; its exertion pushed beyond the public strength produces a reaction even though no antagonist influence is at work; and unless care be taken to elevate the public mind and feeling to the level of fellow labourers in the cause, and not use them as passive instruments of sovereign will, the brightness will hardly last: some warmth may remain, but it will be like the gleam of a winter's sun. Leopold also proved the truth of what any superficial observer of human events must be at once convinced; namely, that those who disinterestedly seek the public good alone, may acquire fame, and some applause, but very few friends or zealous partisans; and the more corrupt the nation, the more such men will be needed and the less will they be appreciated. Where vice is the practical rule virtue must be necessarily theoretical.

CHAPTER III.

PETER LEOPOLD THE FIRST,

GRAND DUKE OF TUSCANY.

THE revolutionary action of time together with increasing intelligence and the peculiar but varying aspect of national interests will supply materials to every government however free and powerful, for the employment of its utmost sagacity, independent of the attention due to those national domestic rights and enjoyments inherent to man, the preservation of which is both the duty and interest of well-constituted society. If good government therefore consists in an unrelaxing attention to these points, and if sound politics is the art of managing a state so as to unite the destinies of prince and people by wise laws and impartial justice; perhaps no monarch better deserved the character of a sound politician than Peter Leopold of Austria as Grand Duke of Tuscany. His reign, destitute of military glory and untinctured by romance, is a study better adapted to the philosopher statesman and philanthropist than a tale of exciting interest to the general reader: Leopold's good sense and benevolence soon taught him that the monarch's prosperity depended on that of the people, his power on their affection, and his real dignity on the union of both. He easily comprehended that, like security of person and property, the external relations of a small state needed most protection, as involving the prosperity of commerce and the sources of peace and war; but as a powerful German connexion

secured this point, his entire attention was directed to the people's improvement and general happiness. Nevertheless domestic matters, although safe from outward force, required extreme care and exertions within, especially in their relation to Rome and its priestly encroachments: the subsidence of Tuscany into an Austrian province altered the character of all its external relations and materially influenced its internal prosperity; nor did the return to a comparative independence much alter the aspect of foreign politics, which then as now borrowed its expression from Austria. A cunning and ambitious, but puny Medician policy, coupled with a sense of their own debility, led that dynasty to keep the peace by an expensive neutrality and continual deference to Rome; whenever they departed from the former, as in the war of Siena, and the capture of Iff, such resolutions were cautiously made, and pledges as it were taken for the consequences; and when Ferdinand II. swerved from both these principles in the Barberini war he was glad, though victorious, to terminate a conflict which nearly ruined Tuscany. Small states rarely gain by war except as followers; and though any country may be successful and even acquire territory, it is often dominion without strength, perhaps augmented weakness, a brilliant folly leading to destruction; especially if the cost of acquisition exceed its value. The Medician policy might therefore have been wise as it was, commonly successful, and perhaps justifiable, though not always commendable. In the vigour of republican sway, ere France or Spain had permanently meddled with Italian politics, Florence felt able to withstand any other state in the Peninsula; but after ceding to the force of those nations, and then alternately courting them, ecclesiastical influence was made the principal instrument of her general policy. This system, begun by the first Cosimo, continued by his successors, and almost identified with pontifical authority, sustained their foreign influence until the time of Louis XV. a support dearly purchased by the sacrifice of national honour, jurisdiction, and native inde-

pendence: it nevertheless gave the Medici a certain weight in the scale of nations, and along with the wealth and sagacity of some of their first dukes secured to Tuscany a higher rank than she would have naturally occupied. Charles IX. Henry IV. and even Louis XIV. of France, besides many Italian and German princes, claimed friendship and kindly offices from the Medici on various occasions, especially as mediators; nay the Emperor Leopold, and even Holland and England, successively made use of this influence which was often most effectually exerted. They kept cautiously aloof from external ties, nor until Cosimo the Third's time did they ever receive a permanent foreign minister at Florence, rightly judging that the resulting mischief in a small state would overbalance any other advantage to be derived from his presence. Siena was the link which connected every Grand Duke of Tuscany with Spain and rendered them little better than vassals, even for the duchy of Florence which was kept in continual awe by the Spanish garrisons of the Maremma. "*I have given him the horse, but I keep fast hold of the bridle,*" was Philip the Second's answer to those who were against Cosimo's having Siena.

The treaty of London in 1718 undermined Florentine independence by treating Tuscany as a fief of the empire: its alteration by that of Vienna in 1737, in exchanging that state for Lorraine and marrying Francis with Maria Theresa of Austria, gave the grand duchy to a younger son and reduced feudality to a name; but also bound Tuscany with the more stringent ties of family politics and a closer connexion with those powers that had guaranteed its integrity. Of all the Italian states, that of Rome, which encircled Tuscany from Bologna's northern frontier to the coast, presented most points of contact in every sense, and was at the same time least easy to reconcile with Leopold's projected plans. Naples, Parma, and Modena, all ruled by his kinsmen, gave no alarm to Leopold: some altercation with Genoa might have occurred from jealousy of Leghorn: Lucca,

Massa, and Carrara were tranquil, and Sardinia was a close ally, though from the king's restless character and expected acquisition of Placentia there was a possibility of his becoming a near and troublesome neighbour. France would naturally protect the state by which she acquired Lorraine and secured a convenient market for her Mediterranean trade; a close domestic union existed with Spain; with Great Britain, one purely commercial but of vast consequence, and maintained, according to a state paper of the day, with consummate arrogance on England's part. "The English," says this manuscript, "are of a haughty disposition and naturally carried to extremes both of good and evil: defended by the sea and presuming on their insular position they make it the means of attack and insult, and often abuse their power to exact that from others to which they have no fair claim." With Holland and other northern powers the commercial relations of Tuscany through Leghorn were the only connexion, and in this state of foreign politics Leopold at eighteen years of age ascended the Tuscan throne. Cosimo I. mounted the same throne at the same age two hundred and twenty-eight years before; but the contrast of the times is less striking than that of the two sovereigns and the means they made use of; this, to augment his wealth and personal power at the national expense; that, to diminish both for the national benefit; the one to satisfy a deep designing ambition; the other to bend his ambition to the public good. Cosimo was a sagacious barbarian, Leopold a civilized and enlightened man. The oppressive Medician taxation, which was augmented rather than diminished by Francis; his farming of the public revenues, which put amelioration beyond the pale of government; and his own continued absence, with an immense income drawn but never spent in Tuscany, besides many other abuses, had increased the wretchedness of that state and people: accumulated commercial restrictions too had so entangled every root and branch of industry that only an inherent tenacity

of life enabled it to preserve a sort of sluggish vitality which could hardly be called existence. Civil and criminal justice and even royal prerogatives, were all overlaid by papal encroachments, and one-third of the land avoided public contribution as ecclesiastical property: much of the remainder was tied up by entails, loaded with debts, or miserably cultivated through want of capital and the palsy of excessive taxation. The Emperor Francis left his Tuscan relations with Rome for a while untouched; but Count Richcourt in conjunction with the senator Rucellai, opposed churchmen in all their pretensions, and a prohibition in 1757 against further acquisition of property by ecclesiastical bodies, first began the quarrel. The next Church grievance was the substitution of a lay censor instead of the chief inquisitor, who had previously controlled the public expression of human reason in Tuscany: Rome immediately raised the cry that religion was in danger, and had many sincere believers as well as self-interested echoes to her voice; complaints accusations and recrimination followed, and when at last the Pisan inquisitor whipped a man nearly to death on the nominal charge of heresy, but really for protecting his daughter against priestly concupiscence, the inquisitorial prisons were at once closed by government, and two laymen employed to superintend all trials in that court. Many convents were also suppressed with the pontiff's forced acquiescence; the curates and their numerous churches, the usual refuge of malefactors, were diminished, and the Bishop of Pienza was expatriated for his insolent meddling with the civil power. The abuse of sanctuary was another firebrand, and as churches had become places of safety for every miscreant, so was sanctuary continually violated by government for the ends of justice. But the great sources of evil were declining manufactures agriculture and commerce: tillage withered under the breath of an ignorant and pernicious legislation sustained by a multitude of acts equally mischievous, as a lie once uttered has need of a thousand

more for its support: but a few words will perhaps be expedient on this subject.

At a time when the greater part of Europe was divided into a variety of independent fiefs, jealousy and rivalry were more rife than any commercial spirit acting on a basis of common utility, and their laws breathed only hatred jealousy and restriction. Beyond the limits of each particular state any barter of commodities was impeded, almost to prohibition in time of peace, and ceased altogether in war: rulers were only swayed by self-interest and military fame, and the gleam of a cuirass or the blast of an adverse trumpet were far more pleasing than the sight of a contented people: thence redoubled exertions for money, augmented taxation as a means of gaining it, and failure the inevitable consequence. Tuscany like most other states was thus circumstanced, and in such times, when the territory of city town and castle was even in peace unsafe, the harvests were frequently destroyed and the country people compelled to fly with all their stock to places of greater security, or were as often summoned to the cities in their patron's cause during the tumults of civil revolution. Many abandoned tillage to seek tranquillity in towns, and frequently involved themselves in the ruin of a losing faction; agriculture, thus generally insecure, became unprofitable and neglected, while the population and industry of cities proportionately increased: hence one reason of the continual scarcities, the necessity for public granaries, the ascendancy of commerce and manufactures, the consequent combinations of mercantile bodies for mutual protection, and the similarity between the institutions of various Tuscan states. The same wants stimulated all, each town was a fortress surrounded by enemies; if its harvests escaped all was well; if not, public stores were almost the only resource, and civic industry the only means of filling them: hence also the strong prejudice in favour of these granaries and all their pernicious machinery, long after they had become not

only effete for their primitive duties but positively injurious to the commonwealth.

The laws of these little states, bad even in their petty independence, became execrable when the latter were successively absorbed by Florentine power and united under a single government; yet all remained; civil, criminal, and commercial, merely for the purpose of conciliation. The shunning of rough and sudden changes in a conquered people's institutions is wise, the shock of conquest being sufficient for the day; but the aggrandizement of Florence rather than general legislation was the uniform policy and especial object of her citizens. Duties, tolls, and customs; a tax as homage and other royalties were her right, and brought in as many distinct revenues as there were frontiers to subjugated provinces, but covered with such a network of minute regulations as left industry struggling for existence on a fruitful soil. Long-established rules and institutions when charged with the peculiar mass of interests they have generated are not easily or always harmlessly removed, although universally acknowledged to be hurtful; they are tares amongst the wheat; the livelihood of multitudes has grown up under their action; thousands more make an honest or a dishonest profit, even of their evils; long custom blinds people to their mischief and they are finally set down as part of our ancestors' sagacity. The race on whom they first act, perhaps for a while resists such oppression but ends it in mere clamour; its children only murmur, the grand-children are mute, and the next generation is apt to revere them as customs far too good and venerable for alteration.

The laws of abundance sprang from necessity and were perhaps wise at the time, as any man is wise who, uncertain of his daily bread and remote from markets, lays up a domestic store: but, when the acquisition of Pisa and Cortona, in 1406 and 1410, completed the round of Florentine dominion and offered a fair occasion to consolidate the state, circumstances entirely

altered; yet, instead of new and common measures of public good with a fairer field for agriculture, Florence and its manufactures were still cherished as the very vitals of the commonwealth when on the contrary, instead of local fosterage and unhealthy encouragement, an extension of the great national market in augmenting general prosperity would have better served the republic: the Annona should then have ceased and internal trade have been emancipated, but these were not the prevailing notions; on the contrary the restrictions of the Annona spread with the state, provincial inter-trading almost ceased, one channel alone remained clear for supplies and that bore exclusively on Florence. Provincial towns became mere granaries to the dominant city, which now groaned under accumulated produce and now was famished, for its supplies were not natural attraction but driven onward by force of law. Capital, buyers, and demand, all remained unaltered while sellers augmented; prices and wages fell together, the consequent cheapness of Florentine wares stimulated their sale in foreign markets and a more extended outlay of capital (the saving from reduced wages) brought increased profits to the merchant. This could not last; there were panics and reactions but tillage steadily diminished while illicit exportation of grain increased; the revulsion affected Florence; scarcities followed, and natural prices were kept down by power: under the republic the scourge the axe and the block were constant attendants at Florentine markets during scarce seasons, the whip alone obliging corn-dealers to bring out their grain and yield a sullen assent to arbitrary and unjust valuation*.

In times of plenty the forced action of this magistracy created a small advance of price in Florence above the country markets and attracted produce; but the resulting competition produced sudden fluctuations which injured the latter while the capital

* Fineschi, "Dovizie e Carestie di Firenze."

was overstocked; yet, because prices fell, the citizens were pleased, the Annona was applauded, and the agriculturist ruined. "*Buy my grain at your own price,*" said a corn-merchant to an officer of abundance. "*We are provided.*" "*Let me export it?*" "*No!*" "*What then am I to do with it?*" "*Throw it into the Arno and feed the fishes.*" Such was the burden under which Tuscan husbandry dragged on a feeble existence! By this permanent competition in the only open and general market, the Annona gave law to the producer, whose sole alternative was to let his wheat perish or accept the taxed prices of government. The small country proprietors thus saw themselves sacrificed to the citizen, and a painful contrast was drawn between rural drudgery and the pampered insolence of Florence, while many withdrew their capital from both commerce and agriculture for the more alluring but often delusive investment of the funds. To all this was superadded divers official frauds; amongst others the officers of abundance, on public pretexts, forced proprietors to sell at low prices, and made a secret profit by sending the corn to foreign markets for themselves; then filling the public granaries with inferior grain they pocketed the difference.

The severe legal enactments connected with food, had their execution been possible, would have reduced supplies to the simple amount of local consumption, such as that of vegetables and other perishable commodities; wherefore the prohibition of a legitimate and beneficial commerce is an act of extreme ignorance or pure tyranny and naturally produces antagonist movements; in other words a system of illicit trading, which were it not for its moral effects might under such conditions be fairly deemed of a salutary nature, though generally branded with criminality. As to the crimes that accompany it and other bad sentiments, their sin lies nearer to those who create such temptations than to the needy smuggler or poacher who yields to them. In democratic states where the people have really a

voice in legislation such laws will scarcely germinate; in less free, and especially in despotic governments where they have no such influence, the people can hardly be reproached for infringing rules enacted against their will and interest, and about which they were never consulted; nor for committing what in itself is really neither a moral nor a political crime, but a simple misdemeanor; and if not actually necessary for existence at least adds considerably to that general happiness which no government has a right to diminish unnecessarily. The rigour of Tuscan laws drilled all the border population into a band of bold and dexterous smugglers, who, collusively with ill-paid customhouse-officers, drove a profitable trade almost unmolested, and when the moment came both parties joined the common cry against any emancipation of internal commerce *.

This contraband corn-trade was a natural remedy, the result of necessity, and preserved Tuscan agriculture from total ruin until Leopold restored it to health: a comparatively unshackled commerce was in fact maintained by continued and systematic evasions of every frumentary law; for while its course ran freely towards Florence as a centre, after the smugglers were supplied, the facility of illicit trading on the frontier maintained a broad margin of tillage round the state which served to keep agriculturists alive though not flourishing. An amount of produce was raised beyond mere home consumption but with little or no gain to the producer, or at least none sufficiently steady to give him any expectation of increasing his capital; a bare remuneration of expense with the salvation of his surplus corn was all that he could reasonably look to, because very low prices alone tempted the smuggler to buy; and this uncertain market consequently held the farmer in a state of timid indecision. Many contrabandists became rich, but more landed gentry were ruined, and with them a proportional number of agricultural labourers, who from the nature of rural ties through-

* Paulini, "Della legitima Libertà del Commercio."

out all Tuscany except the Maremma, were too closely connected with their landlords. At present the soil is divided into unequal portions called *Poderi*, each occupied by a single family which receives half the gross produce in exchange for its labour; but before Leopold's day the *Mezzaiolo* or Contadino supplied manure, seed, and agricultural instruments in addition, and therefore lived sparingly and painfully: at present half of these being found by the landlord his tenant is a real partner, with comforts beyond the peasantry of many other countries.

Under the restrictive system the mere cost of cultivation was often unrepaid and a fair living profit seldom gathered: but though the Contadini were thus rigorously bound and their gains reduced to the uttermost farthing, and although they felt so keenly the withering blast of law, it yet may be conceived how much greater was the misery they suffered in the gradual ruin of their employers. The whole mass of peasantry was further oppressed by the forced labour of a Corvee called the *Comandata* which compelled them to construct and repair every road and drain in the community; so that through tyrannical laws, forced labour, and the pressure of his necessitous landlord, the Tuscan peasant became what a cotemporary writer described him: "*A half-starved, half-naked wretch gliding like an evil spirit through the gay and well-dressed crowds of the metropolis, until Leopold emancipated him.*" "Then," says the same author, "was he seen with an aspect of health and contentment joining the holiday amusements in comfortable clothing, not unmingled even with a certain air of finery"*.

The terrible game-laws, those hateful remains of feudal tyranny, were another source of wide-spread evil, more even than in England; because, in addition to the feathered tribes, they embraced almost every species of wild quadrupeds, which were

* Paulini, Libertà del Commercio, vol. ii°, p. 354.

maintained at the expense of starving multitudes by a code of bloody and rigorously executed laws. A vast portion of Tuscany was inclosed by the prince and nobility in numerous parks or hunting-grounds; these waved green and luxuriant like an oasis in the surrounding desert but marked their influence in bold and sterile characters on the surrounding country; even where a distant gleam of tillage caught the eye whole droves of wild goats and other destructive animals were seen devouring it with impunity. Leopold in one of his early progresses startled by the appearance of such desolation round a luxuriant forest suddenly demanded the reason. "*Yonder wood*," replied the owners, "*is a preserve of game, and we sow "no seed because we should reap no fruit in consequence of the "mischief done by the wild animals which are kept there.*" This was the death-warrant of Tuscan game-laws. A royal edict soon appeared which gave entire freedom to hunt in all the "*Bandite*" or privileged preserves, as one of the first and most necessary conditions of complete agricultural liberty, and whole forests were soon lost in the surrounding verdure *.

Notwithstanding all the evils of absolute sovereignty there is something peculiarly refreshing and rare in seeing it thus exercised to shield an injured people by the destruction of a pernicious monopoly of mere amusement; an amusement abstractedly innocent, but guilty from the moment it interferes either morally or physically with public welfare by impeding industry or tempting poverty to crime.

In very abundant years the export of corn was occasionally allowed, but accompanied by delay and difficulty, first in ascertaining the stock on hand, then in the tricks negligence and procrastination of official subalterns, and the great expense of a licence; besides bribes fees and perquisites, those indispensable links in the chain of business ere it reach the source of power, all of which generally rendered this permission of no real benefit to

* "*Il Governo della Toscana*," a pamphlet of the day.

any but the illicit trader. In many communities there were large and fertile tracts of common land called "*Pini Comunali*" and "*Comunanzi*," which being the property of all were looked after by none; but where everybody felled wood and pastured cattle, so that much valuable ground lay almost useless until Leopold alienated it by allotments to private persons under a peculiar tenure, for the common benefit of agriculture, the people, and the communities themselves.

This misplaced indulgence to the capital threw the natural resources of Tuscany into depression or idleness, and from the florid but narrow belts of cultivation which fringed the metropolis and frontier, the land faded gradually into barrenness, utterly abandoned to the wild and useless beauties of neglected nature. Hills, once the nurseries of both vine and olive were encumbered with thickets and infested by wolves, or thrust forth a bare and stony surface in all its bleakness: plains once healthy and rich in every production of industry were tainted with rank vegetation and the poison of miasma; and even in the heart of agriculture the labourer was not always protected from its influence. As the rough and mountainous surface of Tuscany required more than common outlay, it was abandoned by needy proprietors, all suffering under a government whose rule was essentially opposed to agricultural prosperity, and being ultimately taken possession of by the municipalities soon became altogether neglected. Hence the highlands of Tuscany more especially those of Chianti and the Casentino, nay even the now fruitful eminences round Florence, are described as presenting a scene of unmodified desolation; sufficient live stock was not reared for the annual consumption of that city, the deficiency being supplied from abroad by a surplus of oil and wine which was still produced: this was wholesome trade, but the same degree on the ascending and descending scale of a nation's prosperity is of very different value. The plains of Pisa and Val-di-Nievole declined for

lack of industry and draining, at a moment too when new and increasing charges for ill-managed desiccation scared many a man from the culture of his land, of which even the richest portions showed strong signs of discouragement. The Val-di-Chiana although influenced by two rich proprietors, the Prince and the knights of San Stefano, was still for the greater part undrained, and offered a sickly population unequal to its physical necessities; but the duchy of Siena was that which most felt the contradictory hand of the Medici with all the evils of an ignorant and culpable administration. For while the early princes of this race depressed agriculture by their monopolies, they encouraged it by example and extensive works; they were the only great corn-merchants; with them competition if permitted would have been useless, and agriculture consequently suffered. But thus virtually becoming sole proprietors of native produce they wished for its increase, and though blinded by the glitter of immediate gain to the true means of accomplishment they nevertheless expended much of these profits in the promotion of agricultural prosperity. With a commendable spirit they drained lands in almost every direction and restored some of the richest portions of Tuscany to health and tillage; works which in that age and country could never have have been accomplished by private associations under a government of so meddling and impoverishing a character as that of the Medici. But most of the Senese misfortunes especially those of the Maremma are to be traced to Cosimo the First's mistaken system of public economy, which in forcing down the price of grain to favour Florence caused, says Bandini, "a desolation greater than that which followed the daily descents of the Saracens in remote ages of barbaric fury"*.

The wooded hills and fertile plains of the Tuscan Maremma so frequently mentioned in this work extend from its southern boundary on the papal confines, and beyond the

* Discorso Economico sopra La Maremma, p. 28.

ruins of Ansidonia, the ancient Cossa, to those of the more ancient Populonia on the north, and even some distance beyond, towards Pisa. This romantic district is bounded westward by the Mediterranean, and traversed in various directions by chains of hills many of them rich in copper, alum, and borax, fruitful in woods and pastures, and interesting to the geologist the botanist, the painter and the antiquary. That portion of the Senese territory which comes immediately under our notice reaches from the ecclesiastical frontier to the principality of Piombino, now an integral part of the grand duchy, and in the neighbourhood of Grosseto forms a vast plain half surrounded by hills from whose summits the view is beautiful grand and interesting, especially from *Moscona* a ruined castle of the middle ages near the Etruscan ruins of Roselle. About five miles to the south-west lies Grosseto a city of some note in the early local history; further west the marsh of Castiglione spreads broadly to the sea, of which it once was an inlet and is there terminated by the small town of Castiglione della Pescaia. This marsh was the ancient Prelian Lake, then healthy and fringed with Roman villas, now deadly, matted with reeds and shunned by the neighbouring inhabitants. To the south may be seen the wooded picturesque range of the Uccellina, which skirting the high road to Orbitello hides the less distant port of Talamone: further on, the fainter outline of Monte Argentario appears with its havens of Port Ercole and San Stefano, both attached to the main land by two sandy arms which embrace the shallow lake of Orbitello. Beyond this a wide expanse of sea occupies one quarter of the compass, but from the bold headland of Castiglione begins a mountain range whose peaks are crowned with numerous "*Rocche*" or small fortified towns of the olden-time, growing as it were out of the grey masses of stone work: amongst these Colonna, Buriano, Giuncarico, and Monte Massa, are conspicuous. The more northern eminences of Sasso Forte, Rocca Tederighi,

Torniello, Sasso Fortino, Rocca Strada and others are of a similar character, and along the eastern range Sticciano, Batignano, and Monte Pescale adorn the view, but screen a still fairer valley, bounded by the masses of Monte Labro, Santa Fiore and Radicofane. This second plain, full of towns villas and rich cultivation, is watered by the river Ombrone, which after winding gracefully through, and sweeping in full stream to the southward of Grosseto is finally lost in the sea. Nothing can be more rich joyous or beautiful than this prospect, yet death and fever everywhere exist; few spots even on the highest hills escape the autumn scourge of marsh miasma, and a sickly diminutive race show the most melancholy traces of its power. This province was reduced to obedience in the early ages of Senese republicanism, when with sounder policy than Cosimo's the corn-trade was left comparatively free, and its markets were filled with purchasers: the result was a rich and flourishing district which formed the strength of that republic even after her manufactures had declined; but under Florentine dominion the same bad policy which made every other province subservient to Florence was extended to Siena: her superfluous produce was destined to supply that metropolis at a fixed price and all other exportation prohibited. Francis I. allowed of some besides that which went to the capital; but moved by avarice alone he doubled the duty on both, which instead of increasing only diminished his revenue, threw much land out of cultivation, and filled the country with alarm. This error did not escape the ministers of Ferdinand I. but the panic of Florence, which always saw famine in any change of the corn laws, was too powerful for common sense and justice, and things remained as they were. Ferdinand nevertheless attempted to reduce the evil by a half measure sanctioning an export of half the crops at the same exorbitant duty; but the tax alone absorbed all profit, and a vexatious inquisition to verify the exact moiety completely disheartened the cultivators; yet bad and

meagre as it was, even this seemed too bold to the economists of Florence, and was almost immediately suspended through apprehension from an existing scarcity. It was renewed ten years after and declared irrevocable in any circumstances, but Florentine illiberality and popular clamour succeeded in reëstablishing the old plan, and arbitrary prices for Senese industry. The wiser provisions of that republic being thus neglected, her still spirited citizens, disdaining to toil for the mere aggrandizement of Florence, either changed their arable land to pasture or altogether abandoned agriculture: a war of opinion ensued in which Florentine ignorance and injustice went hand in hand; and while scornfully repelling every accusation of indolence and jealousy, the Senese proved that even exclusive of duty they could not recover the mere expense of tillage at the Florentine market price *. They moreover insisted on the folly of planting, colonizing, and making other fanciful experiments to purify air and water while the discordant views of government and landowners prevented any useful coöperation; and adding that even the healthy plain of Florence itself would soon be a sickly wilderness if its inhabitants were thus exposed to constant and inevitable loss. The only answer was a contemptuous assertion that Siena was blind to its real interests, stood in its own way, and would therefore be left to its own misfortunes. The misfortunes came, but not through any errors of the Senese: all the government plans failed as the latter had predicted; miasmata increased, population diminished, families withdrew in numbers to the neighbouring countries, and the Senese territory gradually sunk into almost general desolation. In the year 1571 the population of that duchy was estimated at a hundred and twenty thousand souls, and the corn sown at 16,000 *Moggia* †. In 1640 the inhabitants had diminished a fifteenth and the

* Bandini "Discorso Economico."

† The *Moggio* of Tuscany is a measure of twenty-four *Staia*, and the *Staio* is about seven-tenths of an English bushel. In 1326 the population of Siena alone was estimated at 35,127 families, which at three to each would give 105,381 souls!

seed corn an eighth part; yet in the interim no less than four towns of considerable importance had been added to the province and were comprised in the latter census. From 1640 until the advent of Leopold, population still declined although the destruction of Castro had driven most of its citizens to Tuscany; and from 1668 until 1760 tillage had decreased one fifth while the whole decrement of surplus grain available for trade from 1578 to 1762 was nearly a half, notwithstanding that the county of Santa Fiore was in the meanwhile annexed. Neither was this compensated by pasture, for the restrictions affected cattle also, and the revenue from this source dwindled to about a third in something more than a century and a half. The proprietor was not even master of his own land or allowed any gain from the pasturage; for the Maremma system of sowing only one year in three was turned to the sovereign's profit, because the "*Erbatico*" or vegetation, which in that climate almost instantly follows repose, then generally taken by government, under the name of *Terreni di Dogana* or custom-house lands, was laid open to cattle from any state which paid the "*Fido*" or duty for their pasturage *. As the fencing of these lands was also prohibited they were exposed to wild herds which ruined the crops, while a few existing private inclosures remained not only safe, but proving by their superior condition what should have been the general system.

A strange fatality seemed indeed to be attached to this once flourishing district which in abler hands had produced forty thousand moggia of wheat with an annual revenue of 200,000 ducats. Studded with towns, amongst which Grosseto alone once had a population of between six and seven thousand persons, it formed the nerve of Senese power; but being subdued by Florence and industry shackled, Nature withdrew more

* Of seventeen lire a thousand. "Ximenes," Ragionamento Sopra la Maremma, R°. i°, p. 73.

than two-thirds of her bounty: its towns were in ruins, miasmata spread over it darkly like a funeral pall, and the once flourishing Grosseto dwindled to about seven hundred sickly inhabitants. It was not war or bad air alone which caused this havoc; the latter indeed seems rather to have been a consequence than a cause; but the sins of an ignorant and vicious government (that fertile source of moral evil) which poisoning all its resources spread desolation misery and disease where even under a very indifferent though somewhat wiser administration, plenty and comparative health had previously existed. A new era approached, and in places where under the old system only ninety five thousand seven hundred and twelve bushels of seed grain were necessary, in four years after, or about the year 1769, no less than one hundred and eleven thousand eight hundred and seventy-three were used in the lower province alone in consequence of an open trade combined with draining and other physical amendments.

The Val-di-Nievole received permission in 1599 to export oil on payment of a moderate fixed duty and became a comparatively flourishing province; but this law being revoked in 1676 the usual consequences followed and it dragged on a languid existence with the rest until 1764, the misfortunes of which year were only mitigated by the following harvest: the rye failed in 1766 and the wheat in 1767, so that the people of Val-di-Nievole not only suffered from general scarcity but by the additional scourge of fever from the neglected swamps of Fucecchio, which gathering force and malignity by starvation spread over more healthy parts and infected all the province: under this double visitation the people fell in multitudes. Even when the internal trade was opened the almost total absence of roads in that province nearly paralysed its good effects, for the only post road was between Lucca and Pistoia, and that full of difficulties; the rest were mere ditches impassable for eight months out of twelve: between Serravalle

and Pistoia bullocks became necessary on the high road, and all ancient communications with the Arno were stopped by the impracticability of an ancient way leading to the navigable cut of Altopascio. The whole province was moreover infested with armed bands of robbers and smugglers, who favoured by the vicinity of Lucca and numerous sanctuaries boldly opposed the custom-house guards in open combat; all order, all security had ceased; the timid and the peaceful were afraid to stir from the shelter of towns and villages; yet for all civil suits, however trifling, a journey to Florence became necessary as the only seat of justice, and numerous families dragged out a wretched existence in mud hovels planted amidst swamps and pestilence, so that one wide scene of crime terror and misery overspread the province. Such was Val-di-Nievole when Leopold assumed the government*! Over the rest of Tuscany one hundred and ten custom-houses spread like plague-spots to which a farmed revenue gave deeper malignity, and in addition to all this, under the flattering name of *Abundance*, existed tribunals whose nature and action tended to produce the very evils they were created to prevent.

The shores of Tuscany, which a hundred miles will scarcely measure, are washed by a sea abounding in produce; yet scarcely a Tuscan fisher at that time appeared, and the markets were entirely supplied by foreign industry. In the neighbourhood of Leghorn and along the coast are many spots that would have nourished a race of fishermen, but they were then sealed up by exclusive privileges and private monopoly: the price of salt too was excessive, the rigour of salt-laws extreme, jealous, and difficult to avoid, for a secret method of colouring it seems to have been used by the Medici as the signet of royal oppression and monopoly. The result of all this was an almost total

* Letter from P. Oradini to Signore R. B. Bartoli di Pescia, on the works of Leopold in Valdinievole, manuscript in possession of the Marquis Gino Capponi, to whose kindness I am indebted for its perusal.

abandonment of the salt-fish and flesh trades, an impediment to the breeding of cattle, and a great discouragement to the fishing trade; besides all its concomitant evils.

Gambling with cards and dice was forbidden in Tuscany, yet the lottery was introduced and retained, even by Leopold, as a source of revenue, to avoid as was averred, much greater wickedness: but there is no defending this; for a more destructive and alluring corrupter of the morals, industry, and provident habits of the Tuscan peasantry can scarcely be found. Seduced by expectations of great gain at a very small risk, every *Crazia* that can be saved is recklessly plunged into this vortex, which unhappily even now continues, and thus under the sanction of government, a most impolitic and pernicious action is maintained on the national virtues.

The worst measure of Francis II. was granting a lease of the revenues, which like the Gorgon's head hurt all but him that held it: the company who farmed them had unlimited authority to appoint and dismiss any officer connected with its affairs, such acts being registered as matters of course in the Grand-ducal Chamber: but the Tuscan custom-houses, besides the levy of duties, had to guard against the admission and extraction of prohibited goods, and were therefore not constituted with reference to a system in which the farmers-general were supposed secretly to relax such prohibitions, and so roll in a private revenue beyond their contract and unknown to government. "To believe the contrary," exclaims Francesco Gianni, "would "be folly: a farmer-general allows nothing to take precedence "of his own interest; but if he should be a hero of his class this "*is* sometimes sacrificed—when he can no longer help it" *.

* "*Pensieri del Osservatore Economico Toscano, MS. by F. Gianni*, 1760," in Marchese Gino Capponi's possession. This senator was counsellor of state, a man of ability and broad views, somewhat vain perhaps, but extremely liberal in political opinions, and almost the only person amongst all his ministers who zealously supported Leopold after the death of Neri and Rucellai. Taverni, Ciani, Salsetti, and all the rest appear to have been either timid or false.

The office of canals and rivers at Pisa oppressed an extensive district by its costly and arbitrary action without any equivalent advantage and even without deigning to consult the owners of that property intrusted to its care: loans were made, drains and other works commenced, expense incurred, accounts concealed, or only shown by especial favour after many vexatious formalities; and when all was finished a tax equal to the principal and accumulated interest of the whole debt was levied on the astounded proprietors, most of which was eaten up by official harpies. The farmers-general amongst other things rented the *Magona* or royal iron-foundries, and with them an exclusive privilege of cutting wood within a certain distance of the works: but when any patch of ground was thus cleared they abused this power by unjustly raising a rent from the pasture which really belonged to private owners. They were moreover the arbitrary appraisers of all woods and forests within their circle, and despotically ruled the whole trade of charcoal and other fuel with Genoa in which Tuscany once rivalled Corsica but was beaten by the superior or less restricted energy of the latter. In the Casentino * and Tuscan Romagna the decrease of cattle was rapid, and the rents of licensed slaughter-houses, tobacco-stores and small country inns in a corresponding state of decay, although the wretched people still maintained a sort of desperate competition for them with the vain hope of succeeding better than their bankrupt predecessors. In the low Maremma districts one great necessity was wine, and about Campiglia, some ten miles north of Piombino, considerable energy

* This beautiful and romantic province is well described by Dante in the Inferno, cap. xxx.

"Li ruscelletti che de' verdi colli
Del Casentin discendon giuso in Arno
Facendo i lor canali freddi e molli."

The rivulets that from the verdant hills
Of Casentin descend to Arno's wave
Soft'ning and fresh'ning all the banks between.

had been exhibited in the planting of vineyards; an expensive tedious operation requiring a long time for any adequate return; but their enterprise was instantly checked to favour the private views of a royal tenant who claimed the right of pasturing cattle on others' property at his own price and actually procured an edict in 1760 to prohibit cultivation! Thus was the welfare of a whole town and its district sacrificed by the simple mandate of an absent despot and his rapacious ministers*! The severity and evil effects of Tuscan game-laws have already been noticed as more immediately affecting the neighbourhood of prohibited places; but in no part of the country were the farmers' or sportsmen's nets allowed to be spread, even for blackbirds thrushes or birds of passage: every cultivator was also forced under severe and rigidly exacted penalties to make a return of the precise amount and nature of his harvest with the number of mouths to feed, in order that the "Annona" might form an estimate of the general resources for each year. These reports, called "*Denunzie*," "*Notifiche*," "*Riveli*" and "*Portati*," might have proved valuable as statistics had not they been generally made up for the occasion, either to suit momentary interests or avoid fine by an empty formality: but their forced execution was accompanied by minute vexations and odious provisions; by secret information, false testimony, and heavy punishment. In 1570 two golden crowns were levied for every sack of wheat not thus reported within fifteen days, besides forfeiting the grain itself; and in 1643 witnesses were required to vouch for the amount of corn raised by each individual. But all such means failed and the quantity was never accurately verified; wherefore after an attempt by the Regency to enforce this law it was finally abolished by Leopold †.

Connected with it was the duty on wheat-exportation-licenses ‡

* F. Gianni, "Pensieri."

† Fabbroni, "dei Provedamenti Annonari," p. 61.

‡ These licenses were increased from about two and a half to fifteen *Lire*, the *Moggio* of twenty-four *Staia*. The Lira varied in value, and is now about eightpence English.

which was increased six-fold by the Medici with all its official vexations; but the severity of their prohibitive laws on such subjects proves of how little value was human life in the eyes of that refined and lauded family, the arbiters of European taste and lords of Italian Athens! Nor did the rougher outside of German royalty soften these asperities until common sense and beneficence were happily united in one of its worthiest children. The first of these laws appeared in 1547 under Cosimo I. In 1556 dealers in the meal of all kinds of grain, including that of chestnuts, were officially denounced as "*Blood-suckers of the Poor*" and forbidden to exercise their calling under severe penalties because it tended to raise the price of bread! In 1563 the penalties were renewed and the practice again designated as knavish; but no risk, no legislation could prevent what was a general necessity, so licenses were resorted to. A succession of other laws, each harsher than its predecessor, followed that of 1547, until the penalties in 1570 were successively, banishment to Porto Ferraio, the galleys, and death! Even these were ineffectual; human interest and human want braved every terror and danger which tyranny could oppose to them. At last under the Priest-Duke Ferdinand, one of the best of his race, every person who exported or attempted to export by sea, or who knowingly sold his corn to exporters, or to them that he knew wished to export, incurred the pains of death and confiscation of property, and might not only be murdered with impunity, but the murderer became entitled to a recompense equal to that granted for robbers and outlaws of the worst description! To execute these, and other laws of a similar spirit, a crowd of ruthless myrmidons, on foot and horseback, were maintained at a great expense under the names of *Sbirri* of the town and country: *Guards of the Customs; Guards of the Magona;* of the *Chace and Fisheries; Rangers of Woods and Forests;* runners under the names of *Messi*, and

Cavallari, belonging to every civil court in the duchy. Besides these there were *Searchers of the Mint; Collectors* for all the civil courts of Florence; the *Bailiffs of the Grascia* and the *Arts;* private guards maintained by many individuals for self-protection, and a multitude of others; altogether composing such a mass of legal robbers, vexation, and iniquity, that the wonder is why there was not a general relapse into primitive barbarism, or a terrible outbreak against the tyrants! But the popular spirit was broken* by oppression, by continual exposure to such visitations, and by the extortion that these minions exercised with impunity, and ever on the most unfortunate: trampling down justice, or selling it at the price of injustice, each in his little miserable but oppressive circle levied contributions on those who were about to transgress or had already done so; or else with a more wicked spirit wrenched them from the guiltless by a threatening of false accusations, and adopting all these odious means with which official villany works so dexterously, to entrap the ignorant and innocent *.

Such examples of aberration in the human spirit when absorbed by the ardent wish of accomplishing a desired end, but leaving its nature, direction, and moral effect unheeded, would tempt us with the Manicheans to believe in the existence of an evil principle, did not the self-evident faculty of choice in the creature recall our confidence in the wisdom and free government of the Creator! But while bad laws exist the dishonest and dishonoured will be their executors, and oppression and misery be their consequence. It is not therefore surprising that under such a government Florence in 1647 should have numbered eleven thousand beggars; or that in 1767 the district of *Lari* reckoned six per cent. of its population to be mendicants: it is true that these were unusually suffering periods, and *Lari* was one of the poorest departments in Tuscany; but

* Gianni, Pensieri dell' Osservatore Economico, MS.

misrule was rife, and any government must be culpable even in permitting, much more in causing such waves of misery to roll over a people intrusted to its care.

At Leopold's accession the daily wages of a common labourer were ten *Crazie* or five-sixths of a lira, and employment rare; but soon after his incipient measures of reform they reached a whole lira and there was full employment: as the price of food had however also for the moment increased, the poor were considered by almost all but themselves to be in greater need than before. In some of these unhappy times if a baker of greater honesty or industry ventured to make better bread than his neighbours he was immediately persecuted by the rest, for they were compelled by necessity to suit the quality to its legal price, and this only allowed them a profit of about fourpence on every fifty-seven pounds. By an edict of 1578 the public was obliged to purchase grain that had been two years and a half in the government stores and which could be kept no longer: on this was charged all the expenses of clerks, store-keepers, and contingencies, so that the cost sometimes ran up to sixteen lire and a half for each sack, or nearly one-fifth above the market price; the professed object of this office of abundance being cheap bread!

A law of 1697, enforcing a series of preceding laws of the like nature, forbade any baker to buy more than a month's consumption of grain, and restricted all private families to one year's provision of food: the Statuto Fiorentino already mentioned partook of this spirit in its frumentary enactments, as may be inferred from its prohibiting the purchase of corn for the purpose of resale; but when the inefficacy of laws and penalties against human wants had been proved, it was finally modified by the Medici, who granted retail licenses under certain conditions. Armed with such protection retailers soon became monopolists; unlicensed competition sprang up, first secretly, then openly; government was urged to protect legal

vested interests; it issued laws for the regulation of prices; these failed, rigour failed, and human wants triumphed! Two kinds of markets had long been established in Florence with equal folly; one for general trade and convenience; in which however certain convents and individuals had the right of pre-emption before the great bell rang for public admittance; the other at a taxed and much lower price for workmen. Cellars were opened in 1649 where the poor of the wool and silk trades were enabled to buy provisions at a third less than the market price, because in suffering all the misery of declining manufactures they had become a source of fear and anxiety to government. The loss was at first borne by the trade corporations, but fell afterwards on the consumer of their goods in the shape of an increased price, and then by a smaller demand re-acted on the workmen through the manufacturers themselves, who by diminished wages or employment soon reduced the artisan to the same or perhaps a worse condition than before; and all independent of the general check given through the whole line of trade by this operation, with its many collateral evils. The governments of that age must have known that the capital of a nation increases with increasing production, that a wider range is thus given to commerce, that profits are augmented, a more rapid circulation imparted to public wealth, and the means of livelihood and population widely disseminated: but they do not seem to have been aware, that from the effect of taxation however light, or from any other cause, if the chain of commerce receive a shock, it is felt through every link, in the same manner as a momentary check given to the leading rank of a military column, affects every following soldier to the farthest rear, which is long in recovering its primitive order and forward movement.

The Grascia was but little less mischievous than its sister office and quite as despotic: it compelled every Contadino within three miles of Florence to fatten a beast of its own

importation, of which half the profit went to the landlord, the other moiety being shared by the two remaining parties; continual disputes naturally occurred about the first and the last valuation of this animal, but the contest was unequal; the first price was always too high, the last too low for the peasant; yet there was no appeal, because the Grascia like the Abbondanza was the vender, appraiser, purchaser and final judge in its own cause. One-third of the landed proprietors, owning as was supposed full that proportion of the soil, were indigent, extravagant, or negligent gentlemen, living principally in Florence, scarcely known or seen but always robbed by their tenantry, whom in return they squeezed unmercifully to supply their own extravagance; so that between oppression and robbery both became miserable and the soil was neglected *.

Another piece of financial injustice injured a numerous class of public creditors who mainly depended on the funds for subsistence: the Decima office was in the habit of receiving its revenue and paying it over by a single movement to the Monte Comune in order to meet the dividends on the national debt, which fell due at the same time: these were issued in small money, with which many desired to pay their taxes at the former office, but the treasurer invariably refused to receive payments in the same coin which the national-debt-office had just compelled its creditors to accept for the greater part of their dividends!

The heavy duty called *Sigillo* levied on all sales of meat, although in itself extremely vexatious became more so on the farming of the revenues: the penalty of killing a sheep without due notice, although it were the culprit's own property, was three crowns; and no quantity either of fresh or salt meat above five pounds weight could be legally carried away from any shop without a permit, under a fine of ten crowns. This was not

* Il Governo della Toscana. Pamphlet of the day.

only enforced but increased by Leopold in the early part of his reign; but he did not long remain blind to its evils, and though tardily, at last removed it along with other grievances: amongst these was a prohibition against purchasing oats for horses at certain seasons, under the notion of lowering the price of oatmeal for men; besides another to Florentine corn-dealers against buying their grain in or within sixteen miles of the capital; for what reason does not so clearly appear.

Epidemical diseases proceeding equally from the failure in quality and quantity of food thinned the population at every visitation of scarcity, for in country places there were often no means of avoiding the use of damaged corn: there might for instance be only one baker for a whole neighbourhood, and he be compelled to take bad grain alone from the office of abundance: one butcher too distributed his meat, no matter in what condition, to a wretched people who had no resource and could employ no other purveyor without incurring a heavy penalty for violating his privilege. Thus two monopolists, themselves the victims of vexatious oppression, had the power of disseminating a sickness, that in the famine of 1766 carried off thirteen hundred souls out of a population of eight thousand six hundred in Arezzo alone. The cultivation of olives, which under the Medici had produced a surplus sufficient for exportation, was almost abandoned before Leopold's accession, in consequence of government's restrictions, for in many places its profits were reduced to one per cent. The corn too, bought up by landlords at its lowest price after harvest, was in the next winter supplied to the peasantry on trust at the highest money value of that season; for which money value they demanded repayment in kind at the cheapest period of the following summer. The loss thus incurred by the peasantry often amounted to four *Pauls* and a half on each sack while the average of wages was one *Paul* a day; wherefore no less than four days and a half's labour were required to pay the difference in money value

alone on every sack of corn*! This ceased altogether and prices became more equal throughout the year after Leopold opened the corn-trade; but until then the whole land trembled under a burden of taxes, the ruin of families, the drain of specie, public and private debt, famines, sickness, and a frightful mortality: the labourer, pressed by exactions, public works, and private vexations; the state's bondsman, the landlord's slave, the bruised and broken victim of all misrule; was often driven to desperation: reckless of consequences, whole families, nay, even whole villages left their miserable abodes to wander through the world seeking that protection amongst strangers which was denied them in their native country; many destroying their dwellings ere they fled, from mere hatred to their reckless landlords. In this manner were the Tuscan peasantry hourly wasting; marriages ceased from want of food, shelter, and general inability to provide for a family; a wide spreading demoralization succeeded, and all the land drooped and sickened under the withering influence of an ignorant and relentless government†.

This faint and imperfect sketch of Tuscan wretchedness under Medician rule may perhaps give some notion of the public difficulties and confusion which Peter Leopold of Austria had to combat and overcome at the age of eighteen, with a heavy debt, an empty treasury, and in direct hostility to the court of Rome. It was an arduous task: we shall see how he acquitted himself.

* Commercio Attivo Toscano, pp. 74 and 139. † Ibid., p. 228.

CHAPTER IV.

FROM A.D. 1765 TO A.D. 1766.

PETER LEOPOLD THE FIRST,

GRAND DUKE OF TUSCANY.

ON the thirteenth of September 1765 Peter Leopold I. the young Grand Duke of Tuscany with his wife Maria Louisa of Spain entered the capital amidst general acclamation and reëstablished an independent government at Florence. The new sovereign's extreme youth justified his being at first made subject to the prime minister Marshal Botta, and Count Thurn captain of the guard; but independent of this, Maria Theresa of Austria was not the woman hastily to relinquish her hold of such a province as Tuscany. The Grand Duke's first acts were an amnesty for all but capital offences, with a donation of food and money to the most indigent metropolitan families: he then set himself to study the divers forms of Tuscan government, made a progress through the state, ordered two frigates to be constructed at Leghorn, and afterwards issued a code of naval instructions with the view of still employing the knights of San Stefano in his naval service.

A.D. 1765.

The first moments of Leopold's reign were full of difficulty and distress, but his strong mind and sense of royal duty were immediately manifested by the prompt determined manner in which he applied himself to overcome public misery and abuses, as well as the liberal and philosophic principles by which he

acted, even against the fears and prejudice of a long oppressed, desponding, and not generally enlightened nation.

It would appear that this youthful sovereign, almost as soon as he had informed himself of the real condition and general administration of Tuscany, began to conceive the plan of a liberal constitution, by the proposed subjection of monarchical power to public opinion, as expressed by freely chosen representatives. It was a glorious choice; a new and rugged path which it had been generally the object rather than the interest of princes to surround with clouds, fears, and mystery! His incipient acts were however more substantially and practically directed to alleviate actual misery and lighten the most galling burdens of existing law; to study the character of a nation for whom he was about to legislate; to examine the physical features and resources of Tuscany, and consider the regulations best suited to its people, not only as correctives of moral vice but preparations for more liberal government. He had but a small field to cultivate, a country no longer maintaining its ancient place in the European republic, yet one that he hoped to rule in peace; and containing within itself a latent mass of intellectual and physical treasure which he thought might ultimately reward his exertions in the cause of human liberty and happiness. He was deceived: the nation had little character; two centuries and a half of oppression had made it an inert but suffering mass at a moment when the young monarch's aspiration was to elevate it to something good and dignified. He found the people prejudiced, ignorant, and languid from decay; unfitted for patriotic feeling, or immediate liberty; unprepared to believe their real interests identical with those of the prince; and unable to comprehend how public good might be compatible with individual prosperity if they only united to promote it. In such a state the Tuscans could scarcely be expected at once to appreciate or even comprehend the broad views and prompt execution of a mind like Leopold's; their traditions education

and habits, had all warned them to shun too close an acquaintance with despotic government and its dangerous secrets.

It became requisite first to arouse them to some comprehension of their own interest, and afterwards direct their attention to the more distant and less prominent objects of public advantage: but where disunion and negligence were almost inherent in the nation's character and certainly fixed in its habits; where the Florentines, as history shows, were especially prone to suspicion and dispute, and dead to the sagacious and prudent employment of those combinations by which private and public benefit are identified, such a task required time, patience, and long previous cultivation; a steady conduct in the prince, with the sincere coöperation of his ministers. In Neri, Ricci, Gianni and Rucellai, Leopold found the most able and zealous coadjutors, but beyond their circle there was little congenial feeling or sense of public good; nay, if common accounts can be trusted, a secret determination existed to undermine their master's edifice and prevent the establishment of a throne, invulnerable, as he intended it, to ministerial intrigue and sinister influence; and Leopold himself was often led astray by their machinations.

With this bright point as a guide did the new sovereign commence his reign, and to this every measure tended; but the difficulties of conquering inveterate abuse, of eradicating old prejudice, of silencing self-interested clamour, of encouraging timid minds, removing accumulated ignorance, and finally overcoming the effects of long misrule; all these he reserved for the arm of despotic power, knowing how hopeless the task of attempting to condense the inevitable caprices of new fledged liberty into solid measures of universal good. But the road once open and the machine in progress, he then thought that it would be more easily reduced to perfection by the united exertions of a nation which then, as might be supposed, was become a competent judge of its general usefulness and particular imperfections.

He proposed to gather his laurels from the cottage walls and waving fields of an independent people, not like other monarchs from the vegetation of the soldier's grave.

In 1763 and 1764, two severe scarcities afflicted Tuscany, but were met by all the power of government both in regulations and purchases; the latter to the amount of more than 1,000,000 of crowns! Perquisition was made at every store and granary, vigilance became active over the sale and transport of corn, much was carried at vast expense where most needed and the loaf maintained at its full weight by public authority for the supposed benefit of the poor*. The immediate consequence was that corn mounted rapidly to an excessive price; bread became bad and scarce, and in many places altogether failed; country bakers sullenly obeyed the royal mandate to sell at a loss for other people's gain and thus work unremunerated; they demanded protection from imminent ruin, and only saved themselves by adulterating their flour: but in addition to these evils there resulted a vast loss of revenue which had to be replaced by years of increased taxation, falling heaviest and almost exclusively on the poor†.

This distress which had not ceased at Leopold's arrival, augmented in the following year, and he found himself in the midst of a famishing people without even the ordinary means of succour, for the Emperor had insisted on every farthing of unappropriated revenue being remitted to Vienna in despite of Leopold's remonstrances, who argued that it belonged to the nation alone. In 1766 the harvests again failed, and with higher prices came more biting want while languor disease and inanition overspread the land and completed the general misery. A.D. 1766.

* Fabbroni "Di Provedimenti Annonarie," p. 281.

† In 1375, Florence lost 150,000 florins by the purchase of corn; in 1385, 30,000 florins; in 1388, 150,000; in 1391, 200,000; in 1392, 10,000; and in 1767, 55,208 crowns, besides various other losses in the intermediate periods. (See Fabbroni, "*Provedimenti Annonarie*," p. 87.)—Pompeo Neri, "Sopra la Materia Frumentaria," p. 457.

It was at this alarming crisis that the young prince surprised all but a few enlightened men by boldly removing most of the impediments to a free circulation of food and in despite of ancient prejudice, proclaimed nearly universal liberty. Grain in all its modifications, as well native as foreign, was at once freed from every restriction, and all Tuscan subjects might thenceforth become dealers in corn, or bakers, or venders of bread; they were not only unrestricted in price weight or measure but protected by severe penalties. This was the first great act; to which Leopold was probably stimulated by the recent example of his wife's father Charles III. of Spain; for this monarch only the year before had opened the internal corn-trade and allowed exportation from his ports until grain rose to a specified price: a great change from the days of Spanish viceroys when it was death in Naples for any persons to bake their own bread! There were, however some cautious not to say timid reservations in Leopold's decree which will be hereafter noticed because they show that he did nothing precipitately or unpondered.

But this bold innovation was instantly assailed by the yells of all that were fattening on public misery, by monopolists, and many others that through fear and ignorance were wedded to the ancient system; and although merely reducing a branch of trade to its simple commercial principles, it was almost universally vilified: the timid, the ignorant, the prejudiced, the rapacious, the cunning; all joined in one barbarous cry against it; deprecation, scorn, misconception, ridicule and open hostility assailed it; and the fears and agitation of a blind mass of ignorant and credulous people gave heart and vigour to the combat. Those who expected to suffer by general prosperity exclaimed loudly, like the God-smiths of Ephesus, against new doctrines. "Our past misfortunes," they said, "once excited "compassion from surrounding nations and induced them to "help us, for they knew that we could not rule the winds or "the seasons, nor control the tempests that ravaged our "fields; they could not *then* reprove us for being the cause of our

" own misfortunes, because we only bent to the irresistless force " of nature and deserved their commiseration. But *now*, all is " changed! A new law dictated by the spirit of innovation " and sanctioned by a few who never having experienced " poverty know nothing of its wants; a law contrary to all the " acknowledged maxims of other governments! A law in " short.—But hush!—Our coming misfortunes will excite in- " dignation rather than pity because they will have sprung " from our own fault. Let us reëstablish our agriculture ere " we make laws that presuppose it in a flourishing state; to " have a free trade in corn an overplus is indispensable, and we " are not even sure of a sufficiency; the producers pressed by " want and poverty will sell their grain even before it is ripe, " and the stranger who buys it will soon return and re-sell it " to them at exorbitant prices: thus will the country sink " into utter ruin and its miserable inhabitants perish". * !

Thus was the public mind excited almost to turbulence, yet government confident in its principles remained inflexible: but while disputes still ran high and public clamour loud; while theories were discussed, principles denounced, and ruin predicted, the measure itself was silently working out its own justification. The markets insensibly began to overflow, the shops and stores to fill with bread and flour, and the whole country to change its aspect like the transition of a dissolving view, from famine to abundance †!

The veil was now removed, the self-interested were dumb, and the wisdom of prince and ministers universally acknowledged: all who could deal in grain bought it up everywhere at their own risk; the ovens became more numerous, bread improved in quality and in quantity beyond what was ever remembered even in the most abundant seasons, and the price continually diminished ‡.

* "Il Governo di Toscana proposto per modello agli altri Governi," p. 29. (*Cremona*, 1790.)

† Confronto della richezza de' Paesi che godono Libertà Frumentaria, &c., p. 28.

‡ Pompeo Neri, "Memoria sopra la Materia Frumentaria."

"Before we emancipated the corn-trade," said Leopold to Dr. Recmanis*, "if we happened to have two bad harvests "government was obliged to expend more than a hundred "thousand crowns in grain amongst the neighbouring nations; "yet the people suffered from hunger and were turbulent: "after the trade became free we had three successive failures in "crops; but government provided no grain; no public debt "was incurred; the people were quiet; and no one suffered "from hunger. I believe that to make free trade beneficial "it should be without limits: the liberty of commerce has "greatly augmented the industry of cultivators and manufac- "turers, the farmers are enriched and the labourers live com- fortably." But Leopold and his ministers, however confident in their strong theoretical position, naturally felt the hazard of a first experiment and therefore not only made a foreign loan but secured a supply of provisions in case of need: all this was superfluous; the mere act of freedom imparted plenty both to the capital and provinces, and though for eight successive years the harvests were bad or indifferent and without one full crop, nobody suffered from actual want and Tuscany soon felt the benefit in a numerous population returning to her deserted villages †.

Leopold very soon perceived the necessity of simplifying and diminishing the confused mass of antique laws and offices whose accumulation had become detrimental to public interests, unsuited to the age, and too vexatious and contradictory for prolonged existence, however well suited to times circumstances and national prosperity when first instituted; he saw that their existing effect was to stifle industry, feed idlers, poison justice, and uphold privilege; to encourage oppression, corrupt morals, foster superstition, and finally depopulate the state. Public interest required that the knife and caustic should be

* Author of a work on the Corn Trade, founded on nature and history. *Hamburgh*, 1790.)

† "Epicrisi di un Libro recentemente publicato."

applied with a steady and determined hand; unsparingly, but gradually; and so as not to risk life in the cure of disorders so inveterate. There are few political evils of long standing whose removal will not injure some innocent person, and they generally become so entangled with national prosperity as often to be mistaken for its cause instead of its impediment: there are others of so deadly a nature that the swiftest destruction of them is the best; but in both cases swarms of noxious vermin are engendered which never cease proclaiming former evil as a cause of present good and protection from future misfortune. So defiling indeed is political power, even to well-meaning men, that the gentlest emotions of our nature, even the love of friends and offspring, are often made the self-deluding excuses of heartless injustice, and public zeal becomes so inconvenient a virtue that rulers soon learn to hate the voice of honesty. If by chance some public servant conscientiously sacrifices his private interest to combat and expose misrule, he is noted as a bird of ill omen and, like a stranded ship, silently abandoned by government; or else his good name may be whispered away as an infidel; that favourite weapon of venality and corruption against political antiseptics; so that he falls the sure victim of a bold but imprudent integrity. The number and intricate composition of the principal Florentine magistracies have been partially noticed in the introductory chapter to this reign, and their noxiousness may be easily conceived in a small country of about nine hundred thousand inhabitants: add to this the uncertain and mixed nature of their rights, the complicated interweaving of their collateral jurisdiction, and the excessive ignorance and cupidity of a great part of the occupants of, and candidates for judicial power; and we need not marvel that justice was slow, partial, and expensive, legal decisions frequently erroneous, and generally accompanied by wanton vexations and endless difficulties. Against such a system, of which the highest branches and deepest roots were equally corrupt,

popular complaints rose high, but they were frankly answered by the sympathy of a prince who ere twenty years of age was in the full current of an enlightened and liberal reform: on the one hand raising a bulwark for the protection of person and property, on the other no less active in providing physical nourishment for the person, and improvement for the property so protected. That network which enveloped the broader masses of commerce manufactures and agriculture, equally entangled the minutest roots and branches of national industry; but as the source of evil was inveterate no remedy could be expected from any single isolated measure, nor could prejudice be overcome except by experience. Leopold's first step was therefore to work out commercial liberty branch by branch, but completely; and with what incipient effect as regarded bread has been partially exhibited.

Amongst the most pernicious maxims of republican-government was that of unduly favouring Florence at any cost, the unsoundness of which was demonstrated by Leopold's successful innovations: it seems a plain, and by the ancients a generally received maxim, that the prosperity of no country can ever be permanent if depending exclusively on commerce and manufactures, whose very essence is inconstancy, while the soil offers a slow but certain and lasting source of public wealth and stability: composed as it is of a multitude of small possessions, each of which, though singly insignificant, like the sands of the sea makes one fraction of a vast amount of property, (probably exceeding the mere trading capital of any country) land must ever be the strongest basis of national prosperity.

The order and general purity of financial administration, a branch which, independent of its vexatious and inquisitorial character, is of such national consequence, came almost immediately under consideration. Leopold gradually reduced its amount to the lowest possible scale, keeping public economy

and retrenchment hand in hand with waning taxation; and this from a well-founded conviction that the subject's pocket was ever the most profitable treasury of public riches: he was not one of those who maintained that high taxation became beneficial when its amount was spent in the country; he well knew that these sums were not re-spent by the man who earned and paid them, and that if any part did again reach him it could only be by a second turn of work for the same money, which halved his gains, while it doubled his labour. The abolition of every contract for public revenues was necessarily an incipient movement towards this reform, because such conventions left everything a prey to the farmers-general and paralysed the sovereign's power of ever reducing taxation. This reason however, as was justly observed by a cotemporary statesman, must derive its weight from the party that uses it; cogent on that of the public, but deemed of little value by princes, who commonly think of *planting*, rarely of *clearing* the field of national imposts. That such was the case in both republican and Medician times is proved by the existence of a national debt, the endless source of taxation and most serious obstacle to its decrease; and although the liquidation of this occupied Leopold's attention during his whole reign and a great deal was accomplished, he was still unable to complete the operation ere leaving Tuscany.

It has been mentioned that the Florentine debt was first contracted in 1343 during the wars with Lucca and Pisa, and that certain public revenues were appropriated to pay the interest; but at no time were any efficient measures taken to secure its entire discharge: on the contrary, excuses were never wanting either from necessity or extravagance to augment it on very prejudicial but indispensable terms, in consequence of the growing distrust of national securities. Whenever money was borrowed, separate *Monti* or public stocks were created; but each successively diminished national credit until some loans were

contracted at forty-five and even thirty-three per cent, with fourteen and fifteen per cent of annual interest! While this cancer was spreading, tax after tax fell heavily on the people, and monied men were seduced by such gains to withdraw from trade and tillage, and in defiance of all risk invest their capital in public securities. Government of course became occasionally bankrupt, by repeatedly reducing the public interest, yet was sometimes enabled by coercion to borrow at a rate so low as to pay old creditors off or reduce their usance. The public funds thus assumed the form of lottery whose chances were well considered by adventurers, and the whole debt amounted at Leopold's accession to 87,589,775 lire, or nearly three millions sterling: an enormous sum for so small a country whose revenues at that moment were only 298,600*l.* and its ordinary expenses about 256,171*l.* of our present money!

The police, or what is commonly called the *Buon Governo*, came also, perhaps too much, under the Grand Duke's notice in consequence of his great anxiety rather to prevent than punish crime: this produced a keen and sly investigation of his subjects' moral conduct which was too officiously corrected while his own behaviour offered many vulnerable points for public reprehension. He had a weekly account given to him even of the most trifling private actions, in order to reprove, warn, prevent, or punish crime; but besides these secret ministerial reports, there was an extensive royal correspondence with private individuals, all unacquainted with each other but their existence publicly known, so that, thus checked, extreme circumspection and the most scrupulous veracity became indispensable, and Leopold was rarely deceived: when this did occur he is said never to have delayed acknowledging the error and making full reparation, generally accompanied by some additional recompense *.

* Letter from P. Ordini to Signore R. B. Bartoli, on the good effected in Valdinevole by Pietro Leopoldo. MS. in possession of Marchese Gino Capponi.

An attempt to justify such conduct by anything but its motives would be preposterous, and any endeavour to palliate it absurd; for not even the purity of those motives, the good use made of it, the absence of any tyrannical acts resulting from it, nor the necessity, as a foreigner with so searching a reform before him of men manners laws habits and religion, to know almost personally each individual of the community; none of these can excuse such a violation of domestic intimacy and confidence, or be equivalent to the mischief this system was sure to inflict on the national character of Tuscany. Leopold could hardly have expected that a race of secret informers and timid or hypocritical subjects would become virtuous for virtue's sake, or ever assume that bold asperity of character necessary to make them appreciate the liberty he was preparing to bestow: he could scarcely reconcile such movements with his own estimate of education as being the best guarantee for morals, and therefore for prevention of crime, and yet he was secretly, it could not be unconsciously, fostering a breach of the most sacred and gentlest associations of mankind. Courage, virtue, frugality, and moral dignity, not suspicion and timidity, are necessary to achieve freedom and afterwards preserve it; and cupidity, luxury, and immorality, whatever may be the national spirit in other things, will assuredly lose it in the end.

Amidst all financial changes public pensioners were respected on the grounds that no state reformation should bring down injustice or personal ruin on those who had deserved well of their country, a maxim which honesty will never dispute, when such men can be identified. But with all his taste for economy Leopold was far too generous to inquire very minutely into this subject amongst the smaller pensioners: his system was based on broad views of permanent and general advantage, not on those petty economical insincerities which by a sacrifice of much helpless hard-working indigence secure applause from faction without endangering more splendid emoluments.

The reformation of ecclesiastics and church discipline was another and most important part of his scheme, for the state of ignorance servility and licentiousness of both religious sexes was then melancholy: full one-third of the land belonged to them, yet from unequal apportionment the priesthood was insufficiently maintained. Their actual ratio to laymen was estimated at three per cent; and taking in males and females of every class, they amounted to twenty-two thousand two hundred and sixty-eight parasitic plants clinging to the national resources. A large sum would indeed have been requisite to maintain seven thousand nine hundred and fifty-seven secular priests of superior, and two thousand five hundred and eighty-one of inferior rank, besides two thousand four hundred and thirty-three regulars, and one thousand six hundred and twenty-seven religious lay brethren distributed in two hundred and thirteen convents! and if we add seven thousand six hundred and seventy nuns immured in one hundred and thirty-six nunneries we may conceive what a mass of human passions was thus turned from its legitimate channels to those of discontent or unbridled licentiousness; to say nothing of the requisite hypocrisy! In Florence alone were three hundred and twenty churches scarcely three hundred paces apart; and, as is confidently averred, occupying half the ground on which the city stood; all too enjoying the right of sanctuary as well as many other privileges presumptuously claimed by Rome, and successively established by the weakness of sovereigns, papal bulls, and ecclesiastical lawyers. One of the first objects of Leopold, who had himself been educated for the church, was to separate spiritual and temporal power, meddling as little as possible with the former but prohibiting its slightest interference with the latter; yet while rendering due respect within the sacred precincts, he resolved to maintain a firm position without, and preserve the secular government from every spiritual encroachment. Ready to aid in promoting the real duties of episcopacy, he withdrew all

confidence from political intriguers; such conduct he said was foreign to the sacred calling, and could never augment the respectability of Christ's ministers, a character which bishops were bound to support, if it were only to gain public confidence and reverence from their flock. Humane in heart, mentally active, and opposed to superstition, Leopold maintained a constant and rigid superintendence over convents and monastic vows and considerably modified the latter: that of the novice he esteemed a matter of pure conscience; but a solemn irrevocable vow to abide by the rules of any order, presupposed the reciprocal engagement of that order to maintain the individual by a participation of its benefits, while government by acknowledging its legal existence tacitly bound itself to protect them both. Moreover in permitting the renunciation of those duties due by every citizen to the commonwealth, and assuming the task of distributing them amongst persons not so bound, in addition to their natural share, government virtually authorized the individual votary's withdrawal from his public obligations to the state, which state being the real source of such institutions, the last solemn vow could not legally be taken without its full consent and according to certain regulations. On this principle he argued and acted, and with a degree of energy that soon diminished religious societies and reformed them all; to the great discomposure of the Vatican.

Probably no church establishment ever needed regeneration more than that of Tuscany at this period: from accounts still extant it seems as if all the most revolting crimes of man were concentrated there, either as peculiar attributes of the priesthood or of those malefactors to whom they gave shelter and encouragement. Almost every European state except Tuscany had abolished or modified the right of sanctuary, she alone continued to make the temple a den of thieves and give to the whole brood of crime a congenial asylum amongst its inmates. Robbers, murderers, poisoners, ravishers and fratricides

caroused in the sanctuary, and with bacchanalian shouts interrupted public orisons: the people were vainly indignant and scarcely safe, for they were occasionally attacked and wounded by these miscreants, even while performing religious duties. At night the latter rushed out to plunder; next morning the churches became markets for the sale of their booty, and the sacred porticos so many sties of lasciviousness. In the convents such ruffians were still more welcome because more easily controlled; their labour was useful, their agency convenient to cloistral prurience, and at Santo Spirito a private chamber in the apartments of the noviciate was most hospitably bestowed on one who had attempted to murder his own brother! With such examples and encouragement, a general demoralization of the people is no marvel, and the clergy exhibited scenes so revolting as to be scarcely credible were they not so well authenticated as to dispel every doubt: hypocrisy licentiousness, abuse of the confessional for the purpose of female seduction; the corruption of every moral and religious feeling in the nuns by visiting friars of their own order, besides many other instances of contamination, are too gross to be more minutely noticed. We are especially told that amongst a crowd of other delinquents, no less than twelve monks and priests were punished within three years, from 1765 to 1767 for rape, robbery, attempts to poison, assassination, smuggling, forgery, seduction of female penitents, keeping gambling houses, and sale of church property; all of which seem to have been favourite ecclesiastical vices, and all protected by pontifical authority! Piero Pacchiani the prior of *San Martino a Castel Franco* seduced several of his penitents and made a brothel of the vestry, yet was defended, sent back from Rome, and by the pope's command even resumed his confessional duties until Leopold expelled him! In the midst of this pollution the rural clergy of inferior rank, the real working pastors, were dragging on a wretched existence through want of means, and

timidly looked to government for justice: the slender stipend of these poor clergymen precluded all almsgiving and impeded instruction in the rural districts, because no man of education would submit to such penury if any other means of life were practicable *. It therefore became necessary not only to provide a fair maintenance for these priests, but also for the incumbents of such benefices as had a right to ecclesiastical tithes the immediate abolition of which was under consideration; for Leopold argued that no pastor should be subjected to the hatred of his parishioners by levying his stipend in so unpopular a mode; nor should he break through that decorum which ought to be inseparable from his sacred character, by any indiscretion or apparent venality †.

Amongst a multiplicity of administrative bodies, the municipal magistracies, corporations, and provincial governments

* De Potter, "*Mémoires de Scipion Ricci, Evêque de Pistoie et Prato,*" composed from the original manuscripts of that prelate and accompanied by other curious documents. This is a dry but valuable work and of great authority, as exhibiting the views and opinions of that worthy bishop, Leopold's most zealous and active coadjutor in ecclesiastical reform. These documents are the more valuable because by one of those unjustifiable acts of arbitrary power so common in despotic states, all the political papers of that prelate have since, as is said, been forcibly seized by the reigning Grand Duke of Tuscany, along with other valuable MSS. of Ricci's ancestor the celebrated Macchiavelli. Bishop Ricci's nephew was first offered a price for all the MSS. by the sovereign, which was refused: the next step was to send a party of police to Ricci's house and despoil it of these valuable papers according to all the forms of legal despotism, and they are consequently now lost to the world, saving what De Potter has happily published. Yet in thus acting Leopold II. did not go much beyond "*his last:*" to be sure he violated the rights of private property which all rulers are bound to protect; but this only exhibits the real character of absolute governments for the benefit of their advocates and admirers, and lucky are the subjects of despotism who have only such acts to complain of! True, it is an audacious and tyrannical crushing of every right of property, but only in a *small way;* and so the *principle* may be blinked altogether, especially as a consideration was previously offered and refused. But such "*Coups d'Etat*" *will* happen in arbitrary governments where, as in Tuscany, the prince makes and administers the laws, for he only labours in his vocation. "*'Tis my vocation Hal.*"

† Rendimento di Conti da Pietro Leopoldo, p. 83, "*Governo della Toscana.*"

throughout Tuscany which formed a sort of framework for national representation, were amongst the most prominent objects of Leopoldine reforms: the servile dependence in which they were held by the *Nine* and other tribunals, together with their lost power of self-regulated local taxation and municipal affairs, were points requiring immediate attention, as most closely connected with the formation of a constitutional monarchy.

Such were the principal objects on which the Grand Duke of Tuscany's mind fixed its attention at an age when most youths are still under tutelage or plunged in the seductive streams of thoughtless pleasure; and although there are some who affect to question his sincerity about constitutional reform, still no real doubt exists of the great and final object, namely the establishment of national liberty on a permanent basis by exalting hereditary despotism to the more honourable post of a free people's chief magistrate with public opinion for his throne. To this end was directed every preparatory measure of reform, yet so little was Leopold understood, according to Francesco Gianni, that "perhaps about three individuals amongst all the Tuscans were aware that his real views in emancipating the several communities were merely to prepare for a greater enterprise."

Ages had rolled away since the last shout of liberty rang through the streets of Florence; the sound had ceased, and even its echoes had died away in the atmosphere of more distant and congenial regions; nay the very name itself, empty and unsubstantial as it was, now only attracted the antiquarian's notice as having been once familiar in the ears of Tuscany! Yet all men are by nature made for freedom because all are endowed with the taste and capacity to enjoy it; but circumstances frequently modify and even paralyse this faculty and the same form or measure of liberty which suits the character of one nation may be entirely unsuited to another, until duly prepared for its reception. The English constitution is no more

adapted to the idiosyncrasy of Tartar tribes than that of the United States is to the Indians of America, yet these hordes may in time be taught to appreciate the excellence of either. The essence of old Italian liberty consisted in the citizen's having a voice in constituting the government which ruled him together with the right of sharing its honours, and thus far he was free. But this right was exercised only by a limited number to whom the rest were subject, and though personally free, had no political power: the liberty of such republics was therefore a mere faculty of ruling for the interest of faction while the nation submitted to their decrees, which were beneficial or otherwise according as individual or party interests agreed with those of the community. The *theory* of liberty, as now understood and professed, and even partially practised; on the contrary consists in universal freedom, personal security, political power, and attention to public prosperity; or to use Beccaria's expression; "The greatest good of the greatest number," in whatever that may be generally acknowledged to consist *. Again, the slave, or the long-oppressed subject of a

* The following pithy observations on the above passage were made by a lady: "The phrase, '*Greatest good of the greatest number*,' has been attacked (I think unjustly) for being *indefinite*. The very nature of general rules is to be indefinite, since a general rule can be formed only by casting out all minor particularities which constitute definiteness. The rule '*Seek the greatest good of the greatest number*,' is not more indefinite than, or even so indefinite as, '*Seek to do justice*.' In both cases the thing that is most useful to the greatest number, and the thing that is most just must be sought for and reasoned out by human sagacity and experience, like all other truths; exposed like them to the possibility of mistake, but capable like them of being gradually cleared. The value of this rule, and of all general rules is, that it *directs* and *fixes* our *aim*; not that the rule pretends to tell, or can possibly tell, what specific measures are to be taken in each case. To introduce a principle that directs human *intention* or *effort* beneficially is as much as can be done by any general maxim viewed in this light. The maxim in question is one of the wisest and most practical that ever was framed; for who can doubt that a government steadily actuated by this principle, whatever might be its miscalculations in individual instances, would gradually attain more perfection than by adhering to any system of government elaborately and rigidly defined for any *given people at any given time*? To

despotic race has his nature changed by the petrific influence of autocracy; he forgets the dignity as he has been deprived of the rights of man, and is therefore unfit to be suddenly trusted with the power of self-government.

Tuscany was in the latter class: of no great extent, and homogeneous in manners, laws, language, character and religion, the task of forming a suitable constitution became greatly facilitated; but the main difficulty was to mould that people into such a frame of mind and moral capacity for freedom as would render them worthy keepers of so precious a charge, and with the expectation, like the talent in holy writ, of its being duly valued and improved. Conceiving that errors in government are always more sensibly felt by the governed than the governors, and more justly pondered too; the Grand Duke after much observation and reflection, mentally transported himself amongst the various classes of Tuscany, and to his own enlightened understanding added, principally through his private information, a thorough acquaintance with the most familiar wants and feelings of his subjects. As sovereign of a petty state he possessed not the means, had he been so disposed, to run the usual extravagant race of European princes; but he had a fair field for practical wisdom and beneficence, and lost no time in its cultivation. It was nevertheless difficult to convince a nation so accustomed to royal oppression that the real interests of prince, people, and private citizen, were compatible, and capable of being compressed into one simple whole with reciprocal benefit and general prosperity: wherefore, to stimulate individual coöperation in objects of universal good, freedom of thought, public discussion, and unfettered action were indispensable, and for this the whole municipal system was reorganized and

prove that it would, it seems only necessary to observe, that when the stability of forms to which a nation has been inured cannot be shaken without doing more harm than their amendment would do good; *then* the maintenance of the old forms comes within the rule of the greatest good of the greatest number quite as truly as the rectification of old abuses does in other cases."

the administration of its finances with all other local business left to the communities, unchecked either by government or any extraneous magistracy.

These were designed to be primary assemblies in the future national meetings of a constitutional representation; but as the people were unprepared to look beyond the small wheels and springs of local business to their universal combination for greater purposes, it became necessary to discipline the public mind by placing within the general view certain luminous points of common advantage, such as would be simultaneously observed and their meaning become self-evident to the whole nation. Amongst these was the perfect liberty of trade and the free disposal of private property; both of them great steps towards Tuscan prosperity and worthy of general confidence: the equalizing of everybody before the law, a consequence of judicial and forensic reform, was also well understood by the humbler classes of a people who had long been incredulous about even the existence of justice in the scheme of national government. Another of these elementary points of general comprehension was the crush of feudal power and the reduction of those who possessed it to the vanity of a name, while the abolition of entails and consequent emancipation of property gave an impetus to its circulation which was beneficially felt and universally acknowledged. The demolition of every exclusive privilege that related to magisterial honours or civic distinction in the Florentine citizenship; the dissolution of trade corporations with all their load of statutes; an extension of the regency's law against the acquisition of lands in mortmain, and the subjecting of ecclesiastical possessions to the same taxes as lay property; were all benefits too plain and too general to be easily undervalued or misconceived, but the abolition of imprisonment for debt was not so generally owned as an improvement. It was especially opposed by the mercantile city of Leghorn, and secretly by some of the ministers themselves,

whose machinations never ceased until Ferdinand the Third's accession, when they succeeded in procuring its reëstablishment.

The connexion existing between provincial courts and metropolitan tribunals was so managed as to fall into the proposed constitutional organization without need of change, and most of the financial prohibitive laws and monopolies were swept off with the revenue lease.

The management of public debt was entirely altered, and a certain number of private accounts opened between national debtors and creditors based on the property-tax to which each of them was liable: by this, most of its machinery expense and abuses were to a certain extent abated, and each person might redeem the tax on his real property by paying up an equivalent in principal to his state creditor, a point that could not have been previously accomplished. This was far from being a popular act but deemed necessary for the intended constitution; because Leopold anticipated either an abuse of power in the hands of feeble or wicked princes and ministers, if a national debt were subject to their irresponsible management; or else the exposure of a weak but well-intentioned sovereign to public odium for an act that might only have been sanctioned through ignorance. But his principal reason was because he intended to make the prohibition of any public debt a fundamental article in the new constitution; and he never expected that an infant legislature would have either the knowledge or energy requisite to grapple with an evil so ancient, popular, and convenient. Ferdinand III. restored the national debt administration to government, and by this Tuscany was supposed to have been injured, as well as by the simultaneous alterations of Leopold's criminal code; when, as Gianni asserts, "the will of those composing the law courts, and their agents, became its interpreters and regulators; so that the administration of criminal justice in Tuscany deserved praise only when executed by public prose-

cutors and judges who were guided by religion and honour" *. But even to Leopold himself the promulgation of this code was beset with troubles, nor was it until after much laborious investigation, much interested and disgusting opposition, and a most difficult reconciliation of opinions, that he was finally enabled to publish it even in an imperfect shape, intending to complete it in the first national legislature. He charged himself more readily with the compilation of this code because he foresaw many obstacles to the carrying of such a reform through an assembly of popular representatives still imbued with ancient forms with all their abuses injustice and chicanery, which were sure to find numerous advocates amongst the learned deputies.

This code was nevertheless hailed by the general plaudits of Europe, but not imitated; and though characterized by wisdom benevolence and justice was far from faultless; the dexterity of lawyers soon multiplied its defects to such a degree that instead of being so far advanced as to be ready for presentation at the first national assembly and constitutionally adopted, it had been so corrupted by a dexterous infusion of those ancient customs, which the object was to abolish, that a whole volume of commentaries scarcely restored its original purity!

The great obstacle to all Leopold's reforms was the national character, more especially that of the Florentines; who with much natural good feeling were vain, negligent, suspicious, disunited; fonder of words than facts or deeds, procrastinating, always discordant in sentiments, and with too much distrust of each other ever to combine long together for any common object; the gain of the moment ever obscuring future and better prospects, and the ephemeral amusement of the day being always preferred to the comforts of years. With such unsteadiness it became almost impossible to unite them

* "Memorie sulla Costituzione di Governo immaginata dal Gran-Duca Pietro Leopoldo I°. Per servire alla Storia del suo Regno in Toscana," da Francesco Gianni. Printed without his name, but never published. (1832).

permanently in associations for general advantage, wherefore government authority was commonly essential to the maintenance of any combination, even for their own individual benefit. Well aware of these defects; for intellectual dullness is not one of their imperfections; the Florentines were anciently accustomed to put themselves under foreign dictators, and submit to compulsion after rejecting persuasion: the whole course of their history and institutions confirms this; their own writers acknowledge it; and while it still forcibly strikes the stranger, it is lamented by the more enlightened and energetic portion of the native community. The unprejudiced foreigner regrets it, for he detects in them a latent mass of talent and energy which wants only opportunity cultivation and encouragement to blaze forth; he perceives an innate benevolence occasionally welling out in natural gentleness, and showing what is concealed within; he feels Tuscan politeness ere he sees it; it does not obtrude, but springs from natural amiability, graceful without seeking to be so: he sees a native taste for refined and intellectual pleasures rather than for grosser diversions, and this descending even to the lowest classes of society: he in short sees many virtues hiding many faults, and he finds as he does elsewhere, the same person in two conflicting aspects, as the keen uncompromising stickler for his bond, perhaps a little more; and the kind obliging friend when money is not immediately in question.

Draining and embanking were placed by the republic in charge of various magistracies, and though almost exclusively for private benefit, which should have created unions independent of government, was so neglected through local contentions as to demand government's interference on public principles; then the whole authority necessarily fell to the ministers, but unmixed with national administration. When increased wants and improvements gave more labour and importance to these operations the abuses of subordinate offices

became palpable to every landed proprietor, and fresh works and fresh taxes were found necessary to stave off further injury: loud complaints then broke forth about the accumulation of debt, and a petition was preferred against existing grievances with prayers for future protection. The Regency, in whose time most of this occurred, immediately placed every petty local office under the Minister of Finance, whereupon the petitioners congratulated each other and expected much from their defraudérs being so rigidly controlled.

For some years they fancied themselves individually benefited; but government while silently maintaining each work in order kept a running account against the several proprietors who thus became unexpectedly involved in debt without their own knowledge or consent. New and general disgust arose amongst them when a yearly contribution was demanded for the interest of these debts and the landowners found themselves suddenly burdened with a permanent additional tax, which was gradually extended to every drain and river in Tuscany under some of those numerous pretences that are ever ready when public convenience or private interest wants a dip into the pockets of the people. Thus by pure local disagreement an appeal from the landholders to government became expedient and even necessary, but ended in private debt, the loss of control over their own expenditure, and the general increase of a permanent taxation.

In this situation of affairs the young Prince was persuaded, without sufficient knowledge, to form a numerous board called the *Chamber of Communities*, to which was referred the management of all civil business as well as that of roads drains and rivers: this proved a fertile source of intrigue and peculation; of more confusion, expense and oppression to the communities, and total negligence about the especial object committed to its charge. Leopold was at last undeceived, and after long and close application finally corrected this error by restoring to

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each of the bodies interested, the free management of its own works, with the respective debts and credits as far as they could be ascertained amidst so confused a mass of previous administrations. This boon was joyfully received; for a while the people worked well together, and their public exertions prospered; but soon that discord and negligence which, says Gianni, "are co-natural to the Tuscan character and habits, began to appear, as if to prove how far removed that nation still was from the social spirit, and the inclination to assist the common objects of an association united for general interests." Wherefore the moment that Ferdinand III. was known to be guided by ministerial influence alone, swarms of petitions came flying in from those very persons who had before complained of the crown's interference, praying to be re-placed under the jurisdiction of that same office from which Leopold had with so much labour delivered them: such were the unsteady materials on which he was desirous of raising a solid fabric of national liberty *!

The commercial administration of a country requires assistance, perhaps beyond any other branch, from the united mass of national intelligence: the most able minister cannot possibly understand all its variety of detail, or be competent alone to regulate the barometrical scale of duties, without a thorough knowledge of every mercantile relation of his country both in its direct and lateral bearings, or without keeping a constant watch upon those commercial aberrations that the inconstancy of trade is continually exhibiting. The duties which are easily paid to-day may to-morrow be insufferable, and the sudden infliction of an imprudent tax may paralyse industry and engender ruin, for as in the human frame a slight disorder of the internal organs is immediately felt, so any disturbance, even of the smallest springs and wheels of commerce, checks and impedes its general movement.

The regulation of customs was therefore one of the most

* F. Gianni, Memorie sulla Costituzione, &c^a, p. 20.

difficult but zealously pursued objects of Leopold, and to initiate the people in this important branch of general interests he compiled a new system of administration and duties which aiming at extreme clearness and simplicity left no room for official cunning to impose on ignorance or entangle the unwary. A few sheets of paper enumerating the different kinds of goods on which duties were payable with the amount of each, all in the simplest nomenclature, were accordingly published; they directed the merchant to lodge his goods in the custom-house, where the duty was generally paid by weight, or according to quality and quantity. All export and provincial transit duties were simultaneously abolished, so that half the labour and all the vexations at once vanished and both time and cost were saved to every party: the cessation of transit-duties left only those that were payable at the frontier, which franking all merchandise throughout Tuscany rendered internal provincial custom-houses useless and dispersed a flock of cormorants who, from the meanest official drudge to the highest functionary of corruption, joined in one intense unmitigated scream against reform. Gloomy predictions were opposed to the clearest calculations of probability; and, by an audaciously asserted defalcation of revenue, would perhaps have succeeded in scaring a feebler intellect and less determined man: even Leopold, firm and absolute as he was, carried his point with extreme difficulty against the general uproar: several preparatory acts were designedly retarded, neglected, or coldly executed by subordinates and secret enemies, so as to prevent a complete development of this measure, and he ascended the imperial throne without satisfactorily accomplishing it.

So arduous a reformation, which embraced "so many objects of inveterate habit, so many sources of profitable abuse, and which deprived the shop of the finance-minister and his minions of much agreeable duty," could scarcely have succeeded in a new assembly, the representative of a nation "accustomed to

regard public office as a private counter and the exchequer as a cow which, according to the Florentine proverb, '*He that 'cannot find the way to milk must be a simpleton*'" *. Wherefore Leopold resolved to employ his despotic power in bringing everything to a state fit to begin work, and when once in full action leave the completion to experience, petitions, and discussion in a national legislature. Ferdinand the Third's accession was the signal in this, as in many other cases, for an adulteration of Leopold's reforms, and a fresh scale of duties in the very spirit of ancient abuse and depending on the will of the ministry, was offered to the young inexperienced sovereign as the perfection of his father's works!

As a further step towards clearing the new constitution of undue influence, all private crown property was administered by a department distinct from that of public revenue: this, as far as it went, was to meet the household expense, and became subject to law and taxation like any other private property; but even so disinterested an act was secretly and artfully thwarted by a portion of the ministry, especially that of finance: Leopold nevertheless remained steady in his course, being fully resolved not to intrust so large a part of the revenue to any ministers uncontrolled by the legislature. No means were left untried which he thought might assist in preparing the public mind to appreciate the great change that he was so anxiously working out for Tuscany; he therefore broke the accustomed silence of Florentine law-courts by encouraging forensic eloquence in the Italian tongue; a language replete with beauty, abounding in energy, adapted alike to the deepest pathos and the loftiest flights of poetry; as well to the breathings of youthful love as to the resistless energy of passion or the liveliest sallies of wit; descending from the sublime to the burlesque, from the palace to the cottage with the grace and facility of a bird, and

* "*Micchione chi non sa trovare il mezzo di mungerla.*" (Gianni, Memorie sulla Costituzione, &c., pp. 23 and 24.)

enchanting in every flight. He thought it especially necessary to encourage the habit of public speaking in those who were destined to influence a free national assembly, therefore decreed that all civil causes should be vocally pleaded before the courts, thus making use of the latter as schools of reasoning and eloquence for future senators; but this law, although never revoked, was gradually neglected, and the custom fell into disuse without being absolutely abandoned.

Amongst a multitude of reforms some few only of those most important, and even indispensable for harmonizing existing regulations with the action of free institutions, have been enumerated; but they are enough to manifest the sovereign's mind, his endeavours to expel all vicious humours from the body politic and bring everything up to such a state of health as would display the grace, beauty and utility of his creation, and so accustom the people to its form and movement as to excite sufficient enthusiasm for its perfection and subsequent care.

While thus exercising absolute power in favour of its antagonist liberty, it would perhaps be too much to assert that Leopold did not occasionally push his exertions beyond the strict limits of legitimate authority; yet no despotism ever worked with purer views or less obnoxious means; and if permanent effects on national character, comforts, and general happiness, be a criterion of excellence and greatness, the comparative state of Tuscany now and formerly will surely entitle him to these epithets; the benevolence of Nerva, Trajan, and the Antonines died with them, but his may still be found in every Tuscan cottage.

Pompeo Neri and Francesco Gianni were perhaps the two ablest of the Grand Duke's advisers, and the energetic talent of Rucellai in opposing Rome was no small support; nor is there any reason to doubt that in studying his ministers' written opinions, as was Leopold's custom on all important matters, he quickly conceived and appreciated their most liberal

sentiments; and in fact amongst their state papers and publications may be detected the germs of nearly every subsequent reform. Nor should this detract from the Grand Duke's merits as an original thinker and patriot king; they were natives of long experience and acute intellect; attentive observers; and sincere deplorers of their country's wrongs; they saw the remedies, also a young monarch both able and willing to adopt them, and they frankly gave him the benefit of all their wisdom and experience: what is more commendable, this young prince not only felt the real value of their counsel but followed it until he had gained sufficient knowledge to act independently, without ever departing from their principles. Tuscany was fortunate in producing such men; still more so in having a sovereign capable of appreciating, and prompt to use them; but it is melancholy to contemplate the withering effects of tyranny in blinding a whole nation to the blessings of that liberty which a benevolent autocrat was, it may be said unnaturally, but sincerely offering.

Neri considered the Tuscans as essentially agricultural and their prosperity identified with the soil, because trade could no longer produce a revenue large enough to be considered independent of it. He divided the stream of commerce into three branches, namely exportation, importation, and the supply of foreign goods to other nations: the first closely connected with and depending on agriculture; manufactures being only an aggregate of terrestrial productions; the second, being purchased either mediately or immediately by agricultural profits, he considered as likewise sustained by it: the third therefore, a mere carrying trade, was the only branch that could be nationally beneficial, independent of husbandry. Such commerce had supported Holland, enriched many Italian states, and was once a supporter of Florence; but it required a large floating capital to take advantage of varying markets and consumers' wants, yet beyond the walls of Leghorn such funds

did not exist, and even there were mostly in the hands of strangers. This trade therefore was not of sufficient consequence to attract attention from agriculture, which as the only stable foundation of Tuscan commerce required the establishment of a perfect freedom in the corn trade as an immutable principle and the basis of all economical legislation. The blind deference of every Italian state, especially Florence, to the ancient frumentarious laws, is acknowledged by political economists of that nation as the occasion of many subsequent evils; and Neri among others deprecates the idea of damming up the course of life's first necessity and great source of public wealth, more particularly in a country where it was almost the only important production. He denied that poor people's comforts proceeded from low prices, for subsistence depending on the sale of their industry, and the latter principally on the surplus of richer men employed in promoting it, their comforts necessarily resulted from the quantity thus expended: and as *natural* high prices generally tend to augment this disposable surplus they were commonly the source of increased comfort, increased wages, and an augmenting population *.

Such is shortly the substance of Pompeo Neri's sentiments on the political economy of Tuscany in its connexion with commerce and agriculture; and those of Francesco Gianni were nearly coincident but more fully developed. He held that the wealth of any country was in direct proportion to the number of its people; but as wholesome food may become poison by mismanagement, so a dense population may by bad government be made the source of evil instead of good, and Gianni did not argue on the supposition of misrule, but the contrary. When the inhabitants of any state *appear* too numerous for its resources, we ask whether facts confirm this, or whether distress may not proceed from general neglect or mal-administration. Such points should be well ascertained before emigration be

* Pompeo Neri, "Memoria sulla Materia Frumentaria."

encouraged, a measure exceedingly beneficial in certain circumstances, but which commonly appears to subtract a mass of physical energy, skill, and hard capital from the country that perhaps might have been better employed there both in production and consumption. Paupers are not good and yet very costly emigrants, but they generally remain at home while the more solid and industrious quit their country.

Gianni's principles were, first; that no human being could take in more nourishment than was necessary for healthy existence, without some bodily harm. Secondly; that he required sufficient clothing, a roof, and all the necessaries of life generally included under it; all beyond these being, strictly speaking, superfluous, or pure sensual and fanciful enjoyment. Thirdly; that as man in a social state is unable to provide for all his wants, or that the ability to do so is neither equal nor continued through life, mutual aid becomes indispensable to human nourishment, causing that necessary circulation of enjoyable things which continually flow from where they abound to where they are wanting; and whether the deficiency proceed from an absence of necessaries, or to supply that magazine of sensual and imaginative enjoyment called the "*will*," the effects on the great mass of enjoyable substances, as well as on the human faculties capable of being thus employed in producing them, will ever be the same. This mass of commodities together with the faculties of producing and enjoying them, comprised what Gianni called national wealth, and as nothing can be permanently taken away from what is *indispensable* to existence without destroying it, the fact that men do exist proves that they possess the means, without any occasion for showing whence these means are derived; whether immediately from nature by their own labour, or indirectly by that of others whose superfluity supplied their wants. This was, he thought, the simple aspect in which human nature presented itself: it exhibited the proportion due to each individual from the general

patrimony, or stock of national wealth, and to this portion every human being had a natural right; for if the means of gratifying the will were more extensive in some, it by no means followed that *necessaries*, the common right of all, were to be taken from others; and consequently all that portion of wealth employed by any individual beyond his mere necessities would assuredly diminish or rather absorb the substance of a number equal to those whose labour produced that excess; or in other words it would prevent the existence of so many human beings as that superfluity would have maintained with the necessaries of life.

Gianni thence inferred, that either as a principle or a consequence, it must ever be true that while different degrees of sensual enjoyment are measured by the inequality of riches, the quantity of these and of comforts in every inferior grade of wealth will be diminished in proportion, even to the lowest class which subsists on simple necessaries; because each class contributes something from its own enjoyment to the original superfluity whosoever possessed it. And howsoever this person, or any other, might be favoured by nature or social position with a superfluity, he could only turn it to profit by transferring a portion to others in exchange for what he required to satisfy his desires. As an example, Gianni took the Tuscan convicts who received only enough to support a painful existence, but as they did exist he concluded that they possessed this. Wherefore taking from the Pisan registers the annual value of this existence at twenty-two crowns, a near approximation could be made to the smallest quantity of money on which a human being could then live in Tuscany, and assuming the whole population to be one million he had a measure sufficiently exact for the illustration of what he called "*national wealth*," namely twenty-two millions of crowns, which was constantly enjoyed by the nation at large. This continued enjoyment was however referable to and modified by the state of population,

because if any portion of the people were cut off, its share of enjoyable wealth also would first become a surplus and subsequently diminish, or cease to exist with the failure of those that produced it; and the contrary. Thus he conceived that national wealth must ever be in proportion to the population and the real power of monarchs be measured by the latter.

Hence also he thought it might be shown how individual wants or subsistence was the cause of commercial circulation and the measure of its speed; and how every check to this must be a disturbance, a cause of trouble, and a loss. These reflections led to a comparison between the action of a "*natural*" population on the land, and that of intellect on the human body; both being made subservient to necessity and personal enjoyment: by *natural* population Gianni seems to have meant those who were originally and equally subsisted on the land with the simple necessaries of life; any ulterior increase of this, which might he says for convenience be called "*artificial*," must result from augmented materials, or capital, and additional labour exported for the use of foreigners; this he calls the "*advantages of commerce*," the promotion of which would be effectually accomplished by a multiplication of enjoyable objects, to its full extent, amongst the people. He moreover condemned the prevailing notion that a country's mercantile gain or loss should be measured by the specie introduced or extracted from it, instead of by the sum of those commodities that multiply the occupations of industry and powers of exportation. Hence he inferred that taxation and customs must be proportioned to population, or their source would fail; and as consumption was the measure of production, and that taxes and duties in any shape, directly or indirectly, fell at last on the consumer and diminished that consumption as well as the personal comforts which are more or less sacrificed to pay them; the spirit and object of public finance should be to multiply sources of enjoyment and consumption, which would generally be found to

correspond with the multiplication of beings capable of enjoying them. In this way duties and taxation discreetly managed might not obstruct but tend even to increase production; for in a rich soil and fine climate where wants are few and commodities abundant, a little taxation stimulates industry and prevents intellectual stagnation.

Gianni however considered taxation as a pure coercive measure and an obstacle to circulation; unable by itself to alter the amount of national wealth, but causing certain periods of stagnancy and the most injurious delays. He was convinced that taxation in every form; whether from the forced labour of men or animals; the deposits in royal treasuries; monopolies, exclusive privileges, immunities, and all other operations which even for the moment hinder men from enjoying their full powers of material and faculties, must necessarily tend to a corresponding decrease of population, and thence asserts that every time a new tax is imposed governments really lose; but gain by its abolition. The hope of increasing royal power by an overflowing treasury had always misled rulers and diminished their real greatness; they rarely found a minister to declare that the issue of hoarded treasures would *not* impoverish them, or to show the greatness they might acquire without the blood and crimes of conquest. Gianni moreover argued, that as the organization of civil government rendered some taxation necessary, rulers should establish as an essential and immutable maxim the diminution of this evil by every possible means, an end that he thought might be accomplished in Tuscany if his advice were taken *.

But while exhibiting the least grievous forms of public contribution he truly asserts that all would be useless "until statesmen renounced the habit of *supposing* the necessities of

* How he proposed to accomplish this is set forth in one of his MSS. which the author had not an opportunity of seeing before he quitted Florence, but it was probably similar to that afterwards followed by Leopold with such success.

a country without any examination, and then imposing new taxes or increasing old ones to meet this fancied need;" "they study the tax," he adds, "which is least likely to be complained of by the people, and endeavour to soften its painful aspect by a veil of pleasing words and flattering pretences, with which they delude the monarch who only signs the edict, but not the people who really suffer from it. It is rare for any prince to investigate the nature of a tax or attempt to learn whether it be indispensable to national welfare or the result of cupidity and caprice; whether it be the mere creation of ambitious policy, the corrupting luxury of courts; that contaminator of every class; or more infamous ministerial avarice which subverts the order of things by conjuring up spectres of public calamity, and alluring visions of fortunate protections, in order to involve everything in that confusion which furnishes a disgraceful nutriment to its own ruinous appetite. When the inclination of governments is once made subordinate to the measure of the forces destined to satisfy it, we shall see the destructive system of taxation abolished; the vast circulation of productions no longer arrested by those obstacles that check the movements of civil liberty; and the exertion of human powers which are directed to accumulate private wealth, the source of public riches, will acquire new life."

Gianni also asserted that a small state like Tuscany required a court without luxury and a ministry without pomp: the Prince he said should be convinced that a splendid establishment was not, nor ever could be for him, a means of distinguishing himself amongst other sovereigns, but certainly the source of many financial difficulties. One fatal consequence of such vanity would be to render his court difficult of access to men of more capacity and intelligence than worldly wealth; and the fittest persons to manage a public revenue were neither the most opulent, nor those likely to increase the brilliancy of courts, where their pride might prevent them appearing when they

found that rich dresses and gilded equipages were the only distinction of persons. "How many able men," he exclaims, "are for this reason and to their country's injury unknown to princes! And consequently how many others have been left ignorant who would have become useful members of the state"*.

Rucellai principally confined himself to church affairs: he advised Leopold to march slowly and steadily against the Vatican, but always remembering that the persons and property of ecclesiastics were legally on a level with those of laymen; that it became necessary to look back on the first eight centuries of the church when its possessions were justly considered as public property and entirely at the state's disposal. Wherefore he urged the exercise of all princely rights, and a real jurisdiction over the clergy by controlling their possessions; also the prevention of any augmentation in their temporal goods by pushing his father's statute of mortmain to its utmost limits; and finally to keep them in awe by the legal though harsher exercise of his prerogative in extra-judicial sentences of exile against their persons and sequestration of property; and above all to avoid the interminable and ever-fatal negotiations with the court of Rome †. He moreover advised that clerical abuses should be diminished by diminishing the clergy, most of whom took orders only to avoid subjection to the civil power; that the clerks of ecclesiastical courts should in civil cases be chosen from lay tribunals; that all church taxes should be reduced under one simple form without any regard to privilege, and that all future establishments of livings and perpetual masses should be checked. By his advice the papal custom of assigning pensions on Tuscan benefices was to be diminished, an object of great difficulty, for by such means the Vatican recompensed those who abandoned their duty as citizens to

* F. Gianni, "*Pensieri sulla ricchezza Nazionale didotta dalla sustanza individuale.*" MS. belonging to Marquis Gino Capponi of Florence.

† Rucellai Papers, cited by *De Potter*, vol. iv., p. 18, from the Ricci Manuscripts. (*27th June*, 1766.)

serve its chief. He also recommended the prince to assume an exclusive nomination of bishops, which Rome had already attempted to exercise; not to permit the citation of laymen before ecclesiastical courts, nor the latter to condemn any person in afflictive and pecuniary punishment, a power that in itself argued sovereign jurisdiction; also that a clear distinction should be made between the church sacrament of marriage and the civil contract, the former or nuptial benediction alone belonging to the church, but the affiance, mutual obligations, bans, alimony, division of property, restitution of dowry, and so forth, all depending on the civil courts. Rucellai exclaimed loudly against thirteen Tuscan bishoprics and four prelacies being held by foreigners, and their authority delegated to vicars; he urged a resumption of the royal *Exequatur*, and above all, the general annihilation of ecclesiastical prisons as sinks of tyranny, illegal in themselves and leading to such insolence that false registers of arrests by church tribunals were forged to sustain their privilege, which even if true could only have proved an infringement of the law; nay their audacity went so far as to demand the assistance of the civil power against certain persons whose names and offences they refused to communicate, and a Court of Inquisitors, composed exclusively of foreign dependents of Rome, was foremost in such usurpations; for violence was a certain means of advancement at the Vatican *.

Rucellai did not venture to recommend the annihilation of sanctuary by force, as it was an acknowledged right the violent destruction of which would have been he imagined unjust; but proposed to confine it to cemeteries which by means of a palisade might be made places of restraint whence culprits were to be cited, and condemned as contumacious if they did not appear; but life was to be spared and all other penalties dimi-

* Secret Memoirs of Rucellai, sent to Vienna in 1745. (Vide *De Potter, Appendix*) *Memoires de Ricci*, vol. iv., p. 34,

nished by a voluntary surrender. As this plan could only be effective through the clergy's coöperation and sincerity, both extremely doubtful, he advised that they should be overawed by apprehensions of an arbitrary process in the Grand-ducal Chamber followed up by exile and other penalties. This sort of Star-chamber law he admitted ought not to be known even by name in any well-regulated community, but the pontiff's steady encroachments had deprived government of all other means: for in exalting priests above the law, to which the church denied their subjection, it also placed them beyond the law wherefore a process also beyond law could only reach them, and might ultimately produce a resignation of such pretensions. The Inquisition reasoned on something of the same principle in justification of its punishments; but the evil being excessive Leopold took Rucellai's counsel and in the two first years of his reign cited many ecclesiastics before the Grand-ducal Chamber which by an extrajudicial process banished them for rape, murder, turbulence, seduction, scandals, and a variety of misdemeanors *. Rucellai was an enemy to concordats by which the popes even in relaxing their pretensions managed to have them acknowledged as rights on which they could always fall back; and those still retained being artfully interpreted according to Roman law, the great object of papal intrigue was accomplished; namely a continual necessity for reference to, and therefore dependence on the Vatican †. Dexterously entangling the inalienable and undisputed prerogatives and acknowledged rights of sovereignty with disputed pretensions, the popes insidiously spread their own claims over the whole mass, and then conceding as a favour those which they could not possibly refuse as a right generally managed after a long struggle to acquire the real object of dispute, in recompense for their pretended generosity. These concordats too, instead of being simply written

* Rucellai's Project of Reform, A.D. 1767. (Vide *De Potter*, vol. iv., pp. 28-31.)
† Rucellai, "Project for the Abolition of Sanctuary."

were enveloped in all the cunning and intricacy of Roman jurisprudence which necessarily confined their interpretation to the Vatican; every right acknowledged by them was consequently strangled in the flexile exposition of their meaning, and now, being substituted for more ancient and original documents, they became the only legal instrument of reference; with popes for their expositors! The history of all jurisdictional quarrels of all nations with the court of Rome was reduced by Rucellai to this single point, namely that the sovereign prerogatives of each had been invariably claimed as belonging to the church, for the express purpose of re-granting them *as a favour* to their legitimate owners, who weary of contention were willing to recover authority on any terms. This newly-acquired power of bestowing what did not belong to them was used by the papacy as an argument for acknowledged right and as such exercised; so that new and firmer footing was in this manner continually gained for the Church of Rome *. Leopold had thus to contend against the most serpent-like of all courts, and one that never abandoned its antique system and instrument of power; a court that would dispute every acknowledged prerogative of a native prince, assert its own sway in the very heart of his dominions, and engender such a swarm of incidents out of existing abuses as rarely failed to extract some solid advantage from the discussion.

The ecclesiastical power of Rome sprang from canon law; especially from that part composed of the Decrees or "*Decretals*" of various Roman tribunals, besides those bulls, letters, and papal answers, generally called *Pontifical Law*, that were the especial instrument of its usurpations in foreign states. Rucellai was particularly indignant at the bull "*In Cœnâ Domini*" which attempted to establish papal authority over all princes even in temporal affairs; which aimed at securing clerical immunity from secular jurisdiction; which tended to

* Rucellai, Secret Memoires, 1745. (Vide *De Potter*, vol. iv., p. 40.)

make the priesthood masters rather than members of society in every catholic country, and was the pith and summary of all those ecclesiastical laws that from time immemorial supported ecclesiastical usurpations. The despotism of Rome, "that fabric of so many centuries," exclaims Rucellai; "moistened with the blood of so many millions of men, and erected on the spoils of so many degraded sovereigns and ruined thrones, as recorded in the annals of eight centuries;" the maxims of that despotism thus concentrated and embodied, pervaded every other part of the canon law, which nevertheless was commonly taught throughout Europe! By this bull the power of Rome became supreme in Italy, and particularly in Tuscany until the Spanish system was followed; this without disputing any ecclesiastical pretensions merely declared the measure in question contrary to national law, and prohibited its execution unless legalized by a royal *Exequator*. To put an end to all further disputation Rucellai proposed in the first instance, that this bull should be considered as a statute law which the Pope of Rome was forcibly attempting to establish in the dominions of an independent prince, and therefore to be prohibited under severe penalties. He then advised that all heads of convents should be compelled to exhibit their patents of election for royal approval before they were allowed to exercise any authority, and that a vigilant watch should be kept over their private prisons to prevent the infliction of arbitrary punishment on wretches forced to live under a despotism which as he asserted was more absolute than that of the African tyrants *. Leopold, who was something of a theologian and a Jansenist, was early intent on the reduction of convents, and addressed several questions to Rucellai about his mode of action: this unwearied reformer declared that the regular orders of Cenobites had two main sources of livelihood, namely a remarkable dexterity in recruiting their numbers, and the eagerness of families to supply them;

* Rucellai, on the Bull "*In Cœnâ Domini*," (*apud De Potter*, vol. iv., p. 49.)

but that all this would cease if monastic vows were not taken at sixteen, an age equally exposed to violence and seduction. The determined resistance made by every monk at the Council of Trent against altering this custom "*to prevent the destruction of the monastic orders*," at once taught governments the way to diminish them as well as the monks' own fears of it: but as these religious orders consisted of well-armed, well-disciplined, and most devoted legions, maintained by Rome under ecclesiastical ensigns at the expense of other countries, their destruction by a single blow would have exasperated the Vatican alarmed a superstitious nation and embarrassed government. One of the first steps towards reducing the number of nuns was, as Rucellai naturally thought, to encourage matrimony; or at least provide some intermediate state of comparative independence for females between that of marriage and the cloister, of which there was then no example in Tuscany. Wherefore he only advised a strict investigation into the finances of every convent, a prohibition to receive more novices than each could maintain; against portions being given with nuns; a decree for excluding foreign votaries; and an interdiction to the Florentine youth to take orders or receive their education in foreign convents. Besides this he wished the number of people in each monastic house to be fixed by law and rigid obedience to the regulations of every order enforced; this he thought would cause the suppression of many illegal convents useless to religion, sources of public scandal, and oppressive to the poor. The funds thus gained were to be appropriated to charitable institutions as at Venice, in despite of the Vatican, and be therefore better employed than in pampering idle friars of both the permanent and itinerant mendicants who lived entirely by alms, such as the Capuchins, the Recollets, the bare-footed Carmelites and others, all of whom from their pristine state of real poverty had by papal connivance become so only in name.

Saint Francis like Saint Paul taught his followers to work

for their bread and refuse alms, except when really in want; but popes and theologians decided that *spiritual* service was the real labour intended; and even against their original rules the Council of Trent permitted all except the Capuchins and Recollets to acquire property like other privileged mendicants: this made an inquiry into every branch of their revenue necessary; into their fixed rents, masses, alms, direction of nuns, and other sources; then came the restriction of their numbers, the prohibition of all begging, and the abolition of those money-making expedients which they so dexterously practised. If their revenues proved insufficient, a pecuniary grant from the crown was suggested as the best means to get rid of their scandalous mendicity and dangerous moral and political influence on society, while a power, unlikely to be otherwise obtained, of lessening their number by diminished allowances would be acquired by government. This counsel was backed by the example of various European states, such as Naples, Venice, Bavaria and Austria, which had all recently curtailed the power of Rome *. Several other projects were simultaneously presented to Leopold; amongst them was one from a priest named *Vallensi*, prior of San Veto, who begged that his name might be concealed if the Grand Duke did not wish him to be stoned like Saint Stephen: this honest clergyman proposed many reforms which were afterwards accomplished, and handles the whole priesthood very severely. There was also an anonymous communication from one still more fearful of martyrdom, for he would not even intrust his name to the sovereign, but complains of "genuine ecclesiastical discipline being deteriorated, the regular orders of clergy being beyond measure augmented, real piety extinct, superstition unceasingly fondled, and religion become the vile instrument of human passions: in the midst of so many evils all hope of assistance from the Holy See was extinguished, because the pontiffs being both priests and princes were inte-

* Rucellai, Memoires, April 6, 1771.

rested in maintaining such irregularities, and moreover in dread of any change. The regular orders he said were so numerous as to form the pretorian bands of these imperial priests, and were the most indefatigable spies for the vigilance of Roman avarice"*.

In civil reformation Bandini, another worthy Tuscan of the day, proposes self-taxation by communities and much of Leopold's system, even before he was born, especially the General Governor of Visitor of the lower Senese Province; that this minister amongst other duties should decide all doubtful lawsuits and spare the expense of journeys and appeals which between gold and anxiety sometimes cost more than the value of a contested point. "The evils of the Tuscan Maremma" said he, "can only be remedied by a sovereign who will alter every existing law, and rolling all the taxes up in one bundle lay them by for awhile, or else load them differently†." Leopold did all this and more, but made no perfect cure of the Maremma, though its social condition was wonderfully ameliorated.

It may be seen from what has been already narrated that the young prince neither lacked good counsel nor wisdom to follow it, although he prided himself on working almost alone; and subsequently, perhaps from that necessity which arises out of a thorough knowledge of persons, selected his ministers rather as needful instruments than friends and counsellors. A bad system; for it is unstable, falls with him that raised it, and repels persons of talent and honesty, who will not submit to be the tools of princes, or bow to aught below the higher ranks of intellect. Those whose opinions we have endeavoured to explain were Leopold's earliest counsellors, to whom he attached himself not only privately as friends, but as ministers of state who enjoyed his mother's confidence. He was still a youth; but from the first year of his reign the spirit of active benevolence

* Memoires of Rucellai, apud De Potter, vol. iv., p. 112.

† Bandini, Discorso Economico, pp. 174 and 208 (1737).

and justice, which was its prevailing character, may be seen shining through all the clouds of prejudice, education, and long established custom; and not by sudden gleams but warm progressive penetrating light. Even his first act; a pardon to deserters and other criminals against whom the laws were rigid, was not the mere exuberance of youthful feeling in the exultation of unexpected greatness; but, as the preamble to an *Indult* issued on the occasion expresses it; "from a desire to increase the number of citizens likely to augment public welfare by giving a chance of amendment to those, who innocent of any serious *moral* crime had by an unfortunate combination of circumstances, been obliged to expatriate themselves." Again, in arresting all crown prosecutions and publishing a general amnesty with remission of penalties already incurred; those who could not produce in court a full pardon from the injured party were expressly excepted along with others guilty of more serious capital crimes*.

As the ecclesiastical reforms proposed by Rucellai were more than realized and constitute an important and most arduous portion of the Grand Duke's labours besides being in a great measure unconnected with his other improvements, they will be given by themselves in a subsequent chapter, both for greater perspicuity and to avoid any unnecessary interruption to the narrative of civil reformation. Having prepared the way by sketching out Leopold's general theory and plans of amelioration together with the existing state of Tuscany at his accession, we may now proceed to describe his actual practice, an extremely dry and minute but very instructive lesson.

* Cantini, Leggi del Granducato, tomi xviii. and xxviii.

CHAPTER V.

FROM A.D. 1766 TO A.D. 1771.

PETER LEOPOLD THE FIRST,

GRAND DUKE OF TUSCANY.

ONE of the first objects of Leopold even before he left Germany was the restoration of the Maremma or lower province of Siena; but as the physical improvements in both this district and the Val-di-Chiana will be hereafter described the present chapter is confined to his moral operations alone. One of the first was its division from the upper province and immediate annexation to the crown for the purpose of a more prompt ruling action on its general interests; and to distribute this action beneficially over that and other provinces Leopold endeavoured to ascertain the true condition of agriculture manufactures and commerce; he therefore formed a commission of one minister and seven senators to investigate these subjects and make weekly reports of their proceedings, on which he subsequently acted *. Several of his early measures were however dashed with restrictions and stains of former misrule, such for instance as making the household officers amenable only to the supreme court in civil and to the "*Eight*" in criminal matters, and so conferring legal privileges upon the royal servants distinct from those of the community, which might or might not become mischievous according to the sovereign's character. Of a similar nature was his increased rigour in executing the odious law of the *Sigillo*, the oppressive salt-

A.D. 1766.

* Mandate, 25th November, 1766.

laws, and several other obnoxious imposts which in consequence of the revenue contract he was in the first instance compelled to enforce. They were however accompanied by others of a different character, amongst them a decree to exempt foreign grain during a certain time from any duty, which helped to clear the road for a new course of political economy; and this, as already narrated, was followed by the first direct breach of the ancient system. Up to this period, whatever might have been the private opinion of Leopold, he was undoubtedly hampered by the caution of Maria Theresa, and even in this measure may be detected a latent timidity out of keeping with the boldness of his general march; it nevertheless declared the Tuscan corn and flour trade free, with the mere precaution of having a permit given to the inhabitants of border provinces to prevent illicit exportation. Fine wheaten bread however still remained liable to duty as affecting rich people alone, all other kinds being left free for general industry*: the pure coarse wheaten loaf although relieved from duty remained, when in bakers' shops, still under control of the Annona both in price and quality; yet the public relief was great and universal, bread being freed from no less than four distinct taxes with their usual vexations, under the names of *Il Bollo* or Stamp-duty; *Proventi della Canove*, or Cellarage-rents; *Proventi de' Forni*, or Oven-rents; and *Diritto di Polizza* or Permit-tax; all of which had before been rigorously levied on what was baked in public ovens. The last however was not general, any more than a fifth duty of two lire a month levied on grinding, which had already been suspended for a year to favour the peasantry whom it more especially affected†. The whole law is marked by strong

* The notion of fine wheaten bread affecting rich people alone is both sad and amusing: sad, because unfortunately it *did* only affect the wealthy; amusing, because it would lead us to believe that the poor had no taste for this delicacy even were it placed within their reach.

† Cantini, "Legge del Granducato."

characters of both caution and boldness; *that*, the consequence of inveterate errors and the influence of public opinion; *this*, the inherent sagacity of a liberal but as yet inexperienced mind steering its course amidst the spectred darkness of a benighted people. But notwithstanding all this freedom Leopold felt much perplexity about providing corn for the Annona; a delusion which he still thought necessary to allay public apprehension, more especially to prevent murmurs had his measure failed in a first experiment; but it was not done with a Medician spirit. The officers of the Grascia and Abbondanza secured two great objects for that race; a command over the people by controlling nourishment, and a veiled means of extracting profit both from distress and prosperity by the power of selling food for their own price and family benefit. Leopold being of a different stamp sought only the means of relieving a nation worn down by long years of misery; but while the clamours of Florence disturbed him on one side the starving cries from Siena perplexed him on the other: the Annona of this city declared its own incapability of supplying grain, and a minister was immediately sent to investigate the people's condition and the means of alleviation. He soon decided that the Annona with all its useless machinery should be annihilated as inapplicable to present relief or the prevention of future evils, and only serving to augment public difficulties: this counsel, except among the ignorant timid and interested, was well received at Siena, where the memory of their own ancient and more rational policy was still cherished; and with far clearer views of this perplexing subject. The late edict had already relieved the Senese Annona from much jurisdiction and public responsibility; but as from various causes few people could immediately bake at home or procure private stocks of corn, it still issued grain and regulated the bakers' shops. In March 1767 its stores were nearly consumed while the habitual fears of so powerful a competition prevented any private enterprise. On this information

A.D. 1767.

the Grand Duke, who now began to see his way clearly, perceived all the evil of leaving any doubt in the public mind about mercantile liberty and free competition, or any fears of government. He was supported by Count Orsini of Rosemberg, a nobleman of shrewd observation and comparatively broad views who succeeded Marshal Botta as prime minister. Rosemberg had remarked that in every scarcity when the Annona was unprovided, recourse was immediately had to merchants for a supply; therefore merchants and not magistrates furnished corn; the price of which was moreover augmented in its transit to people's mouths by a sum equal to the whole cost of that magistracy, added to the loss from bad bargains usually made by governments, and all others who do not personally attend to their own interests: considering moreover that the abolition of that office would instantaneously put an end to the increase of public debt inseparable from these establishments, which from their very nature protracted the evil of scarcity by carrying it partially even into an abundant season as an indemnification for previous loss; he advised their immediate abolition. In March 1767 therefore full liberty was accorded to the Senese corn trade in all its modifications: for a week after this; surprise, terror, doubt, and joy, are described as sweeping through the town of Siena in rapid succession: the multitude, as at Florence, were astounded to behold shops which only a few days before were completely empty now suddenly filled with bread; nor was the marvel less on seeing the Annona offer its residue of grain at cost price and find no purchasers; still more so afterwards, to find it sell at a heavy loss the same food which but a short time before was the only hope of the community! Merchants relieved from this incubus now traded securely and had their corn taken by the emancipated bakers at a price which allowed of cheaper and better bread being sold at a living profit; and all without waste of public money *!

* Commercio Attivo Toscano, p. 145.

The vast drain made by this establishment on the old republican treasury without any national conviction of its absurdity seems almost incredible; 540,000 sequins in only five years of scarcity, but spread over a period of seventeen, might have taught so acute a trading community that some lurking fallacy rendered their efforts vain*. The real principles of this branch of political science are now more generally understood though not universally acknowledged; a variety of powerful interests are in continual collision because each wants the lion's share; and as long as landholders have an uncontrolled legislative ascendancy supported by uninformed and dependent constituents, truth may shine unregarded until urged by the voice of a suffering people†. Seventy years ago the true principles of commerce were as strange in Tuscany as the spectacle of a liberal and enlightened monarch endeavouring to act on them; or as that of a wealthy legislative body sacrificing a portion of its own private interest to public good. The sickliness of fancy, the trading spirit, the wants of luxury, the cravings of licentiousness, the cost of political rivalry, the universal love of show, and the aping of our opulent and dignified neighbours in everything but their good qualities, altogether tend to swamp the more generous feelings of mankind, to drown the poetry of life, and confine each thought within the narrow circle of most degrading selfishness. The question is now rarely, and less often sincerely asked; "*What public good will this measure promote?*" But rather; "*What private advantage can I or my party draw from it by my support?*" But to return.

The bakers when relieved from government's vexatious meddling began to exert themselves, and being no longer forced to buy damaged corn from the Annona, soon absorbed all the metropolitan custom by rendering the domestic bakery less economical than their own, so that for five-and-twenty years after, both Famine and Scarcity were hardly more than names!

* See p. 81 (*note*).

† This was written in 1835, since which great changes have come.

But the very year of Leopold's departure old restrictions with their attendant want and disturbance were revived and he had soon the mortification to see the fruits of twenty-five years of incessant labour already melting away under the influence of royal inexperience and ministerial turpitude.

One of the mercantile commission's first acts was to recommend a census being taken by means of parish priests, including the employment of each individual, so as to ascertain their several means of life, distinguishing those that entirely depended on agriculture from others who lived by commerce and manufactures. But while this proceeded, the Grand Duke kept loosening tie after tie, cautiously advancing, and gradually disentangling national industry; amongst other things a notification of April 1767 exempted all fabrics of flax, hemp, and wool, from export duty for two years; and two days after the lease of tallow and candle duties was revoked, and those trades were made free both for tradesmen and private families in Tuscany, but still clogged by the innate terror of exportation, against which strict laws were enforced and the selling price kept under legal control.

From the first moment of his accession the Grand Duke cast about for other means of alleviating public misery besides mere legislation, which although it made bread cheap would not immediately produce the money to buy it; but considering that every absolute government was either directly or indirectly bound to find employment for the people, he resolved with a good heart and empty exchequer, but aided by a loan from Genoa, to resume a very ancient project of the republic, namely the opening of a communication between Tuscany and Modena. The idea of a road over the romantic mountain of Pistoia was entertained as early as 1225 without any practical result until 1698, when the plan was resumed but soon discontinued on account of the wars of that period: again in 1732 this scheme became an object with both states, and a bridle-road was opened which Leopold improved in 1766 and finally completed

by the help of his engineers the Abate Leonardo Xemenes and Anastasio Anastagi, with a noble bridge uniting the lofty wooded banks of the river *Sestajone*, exhibiting a pleasing spectacle of human art taming and subduing as it were some of the wildest beauties of nature. The opening of this communication with Modena, besides present employment, was expected to bring a more direct trade into Tuscany and thus avoid one point of contact with the ecclesiastical states through which it had hitherto been compelled to pass. About the same moment also the way leading under the walls of Florence from San Gallo to the Porta di Prato was begun with the same benevolent object, and in 1767 new roads were opened through all the Tuscan communities, for the mere purpose of public employment. Actual distress rendered this more immediately necessary than existing commercial wants, and Leopold's regulations for carrying the edict into action are marked by a well-considered benevolence even in the minutest branches: he commands that the poorest should be first employed; that separate parties of men women and children should be classed at work according to their strength, and that the work should be of the simplest form, in order to be embraced by the capacity of all: that regular artificers should be rarely employed, and never to the detriment of field labourers. The result was an almost entire cessation of distress and the infusion of fresh life into internal commerce by increased facility of communication. Of a very different complexion was a renewed convention between Tuscany and Modena for the mutual surrender of culprits, by which the people of either country were authorized to arrest proscribed persons pursued by the ministers of justice, and even to kill them if resisted, with a right of demanding the reward! Such an agreement could only have been signed by Leopold in consequence of the complete anarchy which prevailed amongst a border population oppressed by long misrule: he himself might have well known on whose head a price was put, but he

could not know the real guilt of those strangers whom he thus subjected to death by the hands of an ignorant and mercenary peasantry. His enforcement even with augmented rigour of the *Sigillo* law has been already noticed as indicating either a secretly restricted volition or a mind as yet but partially enlightened on the subject of small trade as it affected the hourly comforts of a nation; perhaps the revenue contract created a strong financial necessity for it; yet the very preamble of this Medician law might have shown him the frippery nature of all regulations opposed to public opinion and man's necessities. The slavish dependence of small localities on one privileged butcher and baker should in the words of the preamble, have convinced Leopold that "all prosecutions, condemnations and imprisonments were insufficient to restrain their (the law-breakers') malice and audacity;" on the contrary, "their numbers had increased, and new methods and inventions were continually used to transgress the laws; with the most barefaced audacity they were every day and in every place fraudulently slaughtering all sorts of animals, to the injury of the revenue which had been destined from the beginning to maintain garrisons, soldiers, and general defences. *It therefore became an object of greater moment to render this revenue valid in these calamitous times when so large sums are requisite to alleviate the people's distress.*" To alleviate the public distress therefore summary judgment was by Leopold ordered to be executed against every transgressor of Cosimo the First's law of 1557, without any process; and a fresh prohibition was issued against carrying more than five pounds of any meat from place to place without a permit, under a penalty of ten crowns! It can scarcely be conceived how a man so sagacious and benevolent and who afterwards did so much, should have been thus blind to the injustice and inutility of this act and its variance with the *spirit* of his own preamble; for, in *words*, he actually asserts the necessity of robbing his subjects to relieve

the wants of his subjects! He however was not yet free and often obliged to obey the imperial ministers, nor was it until some time after that he succeeded in releasing himself from parental control and the still more pernicious obstacle of a farmed revenue; moreover the *Sigillo* was considered too lucrative a source of public income to be relinquished without an equivalent, which was then difficult to find.

The Florentine court for minors and adults was about this time reformed with a view to benefit the poor, and nearly simultaneous was a decree against opening any shops but provision stores on Sundays and great festivals; besides which a variety of other meliorations were gently and silently working, unappreciated and even unknown to the mass, yet like a constant drip of water, quietly wearing down the great mound of public evil, while at intervals the gush of some new and well-considered act affected all the community, awakening praise or blame, but universal observation.

Amongst these was a "*Bando*" or proclamation of the eighteenth of September, by which another stride was made towards perfect liberty in corn-trading generally, and great encouragement consequently given to agriculture; the trade within certain limitations remained completely unshackled; exportation duty-free was allowed until the average price of wheat reached fourteen lire or nine and threepence a sack of about two imperial bushels; and importation when grain rose to fifteen lire: but both these branches of trade had already been eased of such shackles in the Maremma and declared absolutely and perpetually free. During the periods of prohibition however no grain could be carried within three miles of the Tuscan and Maremma frontiers without a license; but baked bread and biscuit remained at liberty and the exportation of biscuit was even encouraged by bounties. Free egress was also given to wine on paying duty, but cattle, wood, oil, and charcoal, were still subject to the restrictions of 1693: by the same law no agri-

cultural instruments, yoke-cattle, or labourers employed with them, could be seized for public tax or private debt under a penalty of ten crowns and annulling the demand, whether private or public. Many other regulations either retained or made about this time exhibit unsettled ideas, timid views of consequences, or perhaps a necessity, as regarded the backwardness of national spirit, of unusual caution, even with the theoretical certainty of removing inveterate evils deeply fixed and entangled with popular prejudice and personal interests. Among others which excite a smile was an order issued for provincial magistrates to see the bakers' shops abundantly supplied; that none of them quitted their trade without giving due notice, lest the public should want, and that in the case of a single baker's attempting, from his chance monopoly, to impose on the people, others should be invited to settle and begin business! But it is very possible that the inertia of Tuscany at that moment especially in remote country districts might have required all this.

The Office of Abundance was still continued at Florence and some other places, to receive weekly reports and strike the averages of various markets, but bread up to a certain quality, and in many parts all sorts of it, was free from this control; yet no baker without its sanction or the Grascia's, could begin his business. Though Pisa, Leghorn, and certain other places had local regulations, the general rule was to confine bakers to the sale of wheaten bread alone, whatever might be its quality; all others being free to make and sell it of mixed or any kind of flour, so that the regular bakers thus became guaranteed venders of unadulterated food. In comparing these older laws with Leopold's subsequent and simpler movement, their cumbersome perplexity and abrasion of national happiness is conspicuous; yet they formed but one of many similar evils whose existence and removal were illustrative of good and evil government.

This zealous encouragement to commerce and agriculture showed Leopold's inclination so plainly that a strong theoretical

spirit of inquiry soon arose in Florence; and as a free expression of opinion was encouraged, many speculative productions on such subjects were published by those who were or fancied themselves competent. A new academy called the "*Georgofoli*" or lovers of agriculture was especially favoured; they had apartments in the old palace, and Leopold gave a gold medal for the best annual solution of some agricultural problem, besides a silver one to each member at their periodical assembly in order to encourage a close attendance. He also formed a board of the principal Pisan professors to reform that university and introduce new courses of study more in unison with those they professed to teach. The death of Ottavio Galilei majordomo of the palace, gave the Grand Duke an opportunity of advancing Francesco Gianni to that post and so keeping him about his person, but as the greater portion of courtiers were appointed by Maria Theresa he resolved to get quit of them and Austrian trammels together as soon as he could prevail on the empress to sanction it; meanwhile he made regular preparatory progresses through Tuscany to examine personally into the people's condition, the administration of justice and the truth of public and private reports from his ministers and secret correspondents. The latter, however objectionable in principle, enabled him to prevent much mischief, but he thus placed the nation under a sort of nursery care which by turning vice into more hidden channels did more moral evil than permanent good: the habitual immorality of an adult generation can hardly be abated by external laws or minute regulations; the torrent of *open* vice may be turned, but its waters will spread silently over a wide expanse and sap what had escaped from their former violence. Although Leopold repelled the accusation of using spies he yet posted the names of several persons, previously considered respectable, amongst those of common malefactors with the label "*False Spy*" attached to each: these might have offered false information and have been rejected, but of his having

established a system of secret information there is no doubt, however modified or cautiously employed.

During the intervals between great measures, lesser reforms as a sort of by-play to the scene, were in continual action and often put forth as feelers for more bulky operations: amongst these was the abolition of an annual tax previously paid to government by every member of the Tuscan trades, independent of matriculation-fees, for a license to exercise their calling. This in the fur and leather trades was named "*Tassa del Pepe*" or "*de' Torcetti*" and its suppression, together with matriculation-fees, was for the moment confined to them, probably as a harbinger of the great work then in progress not only to abolish such exactions, but the whole worn-out machinery of trade corporations. A measure as unworthy of Leopold as it was unjust and impolitic, in the shape of an order for the impressment of all persons leading an idle, licentious, or scandalous life, was published this year with an intent to recruit the army! Such compliments to military and naval men are not new, nor was Peter Leopold of Tuscany the only ruler to commit so glaring an error as that of filling two professions with worthless men which from the very nature of both, and the dangerous political tendency of one, stand peculiarly in need of high moral sentiment and self-respect, independent of that chivalrous spirit which should be so warmly nourished by every wise government as the source of their reputation patriotic devotion and success; for it is not decorous that any country's military defenders, those who contribute so much to its national glory, should be the refuse of common prisons and the very dregs of civil society!

This ill-judged mandate of course occasioned many hardships, abuses, and violations of private liberty; wherefore it was modified in the following year and all local A.D. 1768. authorities ordered under severe penalties to ascertain the real characters of impressed men: but the natural consequence of such a system, namely frequent desertions coupled with the

excessive rigour of military law on this point, caused its repeated relaxation, wherefore the army was badly composed, shamefully disciplined, and universally detested; while the country justly complained of the hardship. Leopold's Utopian attempt to embody an urban militia had no better fortune: each man was entitled to be discharged on his own requisition, a privilege which of course paralysed every effort at military discipline or efficiency, and was only suited to an enthusiastic and patriotic community with great external or internal danger to unite them; to a people moved for a given time by one spirit on some single object of universal interest like the Florentine bands of 1530. As a counterpoise to such legislation Leopold slackened those rigid laws which in certain districts allowed no proprietor to fell his own timber without a license; and in August 1768 he availed himself of a provisional clause in the contract for revenue to cancel the whole lease and thus rid himself of the most formidable impediment to further improvements. His sister the Archduchess Caroline of Austria's marriage to King Ferdinand of Naples and their subsequent arrival at Florence occasioned some courtly dissipation, and for a season drew the sovereign away from more important matters to Neapolitan gaieties, but he returned in July, and in autumn removed to Pisa, without any relaxation of labour. On the twenty-eighth of October the magistracies of Abundance and Grascia were suppressed and their few remaining duties united under a new tribunal called the *Congregation of the Annona*. An edict in the same spirit soon after relieved the peasantry from the vexation of fattening cattle for the Grascia, and also the butchers from several annoying imposts and other impediments to trade. This business had hitherto been divided into three distinct branches; one comprising the sale of superior meat alone; another composed of those who were only authorised to sell an inferior article with a lower duty in the shape of a "*Canone*," or annual rent for a license, in common with the third branch, which last was confined to a sale of offal and

other irregular portions of the animal. A heavy duty was taken on each head of cattle at the city gates, a tax of seven lire on every calf killed during Lent, besides several more; and a separate license being required for each branch, three distinct monopolies existed in the butchers' trade alone, to the great injury of the poor. All this now ceased, the export of tallow was made free, that of oil relieved from every impediment, and new channels cleared for the industry which had previously been swamped by these exclusive privileges. Olive cultivation soon revived with new energy, and plantations multiplied even injuriously, because they were mixed with the vine a plant of entirely different character and treatment: to these, for the sake of predial economy, was added corn and esculent plants, all growing in the same field, so that through this and other causes the quality of most Tuscan wines has been deteriorated and no longer commands a sale in the foreign market.

In the royal instructions issued at the same epoch we have an occasional glimpse of the nature and extent of some grievances in progress of removal; for instance by the new law no persons were to be any longer *compelled* to dispose of their produce when brought to market, nor be forced to carry it there at all against their own consent! When the mass of moral and physical evil then existing in Tuscany is fairly pondered, we can scarcely wonder at the caution displayed in its removal, or be surprised that after each successive weeding there should always remain some lurking symptoms of its influence. One striking contrast between the Medician and Leopoldine laws is that each successive act of the former was a fresh interference with private liberty, an impediment, or a loss; but every movement of the latter approached more nearly to unrestrained volition and perfect freedom: by the Medici men were systematically treated as naughty step-children; by Leopold, with one exception, as rational beings. Even the inanimate forests, under that race could not be touched by their

lawful owners without rigid previous examination and a royal license, lest they should suffer from caprice or ignorance; but all the land and its inhabitants were withered by such rulers.

A reduction of public debt was the next great and lasting labour and the most important, because its interest absorbed a vast amount of revenue, crippled every other project of reform, and especially obstructed that financial relief intended for the people. The *Monte* has been often mentioned as a general appellation of the Tuscan funds, and the fund-holders could sell their stock as is now done in England: although at different times there had been several of these establishments, one in particular, as we have said, received the name of *Monte Comune* or common stock in consequence of its absorption and consolidation of all others. The usual interest was at first five per cent. but it often ran up to a great height and in 1359 and 1380 the almost incredible sum of *fifteen* per cent. per annum was paid on a loan made at the rate of only thirty-three and one-third for a hundred! But the common monthly interest often realized four denari per lira or twenty per cent. per annum, and occasioned the introduction of Jews into Florence as a lesser evil in 1420*. Government's necessities were continually increased and ministerial ingenuity was ever busy in devising ways and means of acquiring more money, but never of diminishing the debt: the loans were generally forced; a new Mount became expedient for each, and both money and confidence diminished as these multiplied, until only force or monstrous premiums induced people to risk their capital: it was a lottery, which however many ventured in at the expense of both commerce and agriculture.

The early wars with Lucca had left Florence a debt of 600,000 florins of which nearly a sixth was repaid in 1353, but being unable to discharge the whole, government assigned one denaro per month on each lira, or five per cent. per annum to

* S. Ammirato, Libri ii°. and xiv°, pp. 592 and 753; Lib. xx., p. 1063.

the public creditors, along with a right of alienating the principal as they pleased; and the still more important privilege, considering Florentine turbulence, of its being exempt from confiscation, or other injury. The legality of buying and selling these funds at their market value (which was generally from twenty-five to thirty per cent.) unless all the interest over and above what was due to bring the price up to par were restored, formed an early question of discussion amongst religious men; and the Domenicans in particular preached strongly against such "*usury*"*. The Franciscans however insisted on its legality, and the Seignory struggled to maintain public credit until 1892 when increased difficulties compelled them to reserve one quarter of the dividends on the whole debt; a corresponding portion was thus redeemed and repayment promised within four years, with a notice that all future stockholders would be liable, if called upon, to resign their shares for a premium of two per cent. on the original price. By degrees all these various funds were concentrated in the "*Monte Graticoli*" which ultimately became partly dissolved and partly embodied in the "*Monte Comune*"†.

The credits of many Florentine families had continued from these early times, but in consequence of political events, especially the republic's extinction, numbers of them had been in various ways expatriated, and a series of virtual bankruptcies gradually reduced public interest to three and three and a half per cent. on a capital amounting at Leopold's accession to 87,500,000 lire, or nearly 3,000,000 sterling. Before attempting any reduction he thought it fair to acknowledge the unclaimed dividends by revoking all laws which deprived creditors of their right to demand payment, though dormant for more than a century, and then reduced public stock to its primitive conditions. All such claims were to be made within

* Pietro Boninsegni, Storie, Lib. iii., p. 424.

† Boninsegni, Storie, Lib. iv., p. 722.—Edict. of January 19, 1739.

thirty-six years; a limit also fixed for any subsequent demands either of principal or interest from whatever period the latter might have been due, and a sinking fund of 40,000 crowns was simultaneously established with compound interest at three per cent. to meet any unexpected emergency *.

This was a fair and honest not to say generous beginning of financial relief to public suffering; for the chain of evil connecting public debt with indirect taxation, although composed of many invisible links, is short and cutting and drags more heavily in proportion to its distance from the source of power. But if any judgment may be formed from another law promulgated about this time, Tuscany already seemed to have felt the influence of good government in extending cultivation: this edict revokes the permission given in 1722 and 1734 to pasture small cattle immediately round Florence, as being no longer suitable to the country, which although then a waste was now cultivated and therefore subject to damage from flocks.

A.D. 1769. About four months after this the "*Legge d'Ammortizzazione*" or law of mortmain appeared: it was an improvement on that of 1751 the principal object of which was to give greater circulation to real property by preventing future acquisitions to corporate bodies without the power of alienation. This sort of property called "*Mani Morti*," amounting when in priestly hands to nearly one third of Tuscany, had been very prejudicial as being entirely exempt from taxes; wherefore with the exception of Leghorn merchants and foreigners, all others were forbidden to bequeath by will, sell, or bestow any personal estate beyond the value of 100 sequins, or any real property whatever, to corporate bodies colleges or universities whether lay or ecclesiastical, which could possibly be comprised within the definition of mortmain, except by royal permission. If there were no relations even in a colla-

* Edict 5th November, 1768.

teral line within the second or third degree, then the property might be left to some public institution under royal protection; such as schools, for the building or repairs of churches, for marriage portions and so forth; yet even in this case the real property was ordered to be sold within a year, or let on perpetual but alienable lease in order to insure its circulation. If any relation *within* the above degrees were living, one twentieth only, and that not exceeding five hundred crowns, could be thus bequeathed; and all persons enjoying clerical privileges or in any way subject to ecclesiastical discipline were disabled from becoming trustees guardians or executors without royal permission.

So intent was Leopold on this object that he compelled those who entered a religious society to resign all their property except an annuity of 100 crowns, and if no such deed were signed the mere act of profession and assumption of any ecclesiastical habit was to be deemed a civil death, heirs-at-law at once succeeding to the inheritance. By this act all existing church leases in secular hands were to be considered as "*Allivelazioni*" or perpetual leases with a general power of alienation, saving the legitimate rights of proprietors. As a further check on church aggrandizement and an assistance to the emancipation of real property from priestly bonds, all the obligations of lay-proprietors to ecclesiastical bodies were made redeemable by assigning to the latter an equivalent value of public stock. In the twenty-fourth article of this law Leopold declares his "anxiety more effectually to secure the possession of real property to laymen, and to free their estates from those burdens imposed in favour of '*Mani Morti*' as well as to facilitate commerce and circulation of property; and therefore," continues the edict, "we command that any lay-proprietor whether corporate or individual shall hereafter have the option; notwithstanding any agreement or contract either from testators or the parties themselves to the contrary; of liberating the pro-

perty so tied or mortgaged, by an assignment in lieu, of so much Tuscan public stock as will produce an interest equal to the value of their annual obligation." No prescriptive right could protect the "*Mani Morti*" against an action for the recovery of possessions not legally acquired, and they were made subject to a penalty for any attempt to elude this law by retaining property, the legislator reserving to himself alone the right of expounding all legal ambiguities. To avoid any misconception however, he declared that the act should be understood in the obvious and natural meaning of its words and in the spirit of its intended object, which was mainly a controlling of ecclesiastical power and diminution of its temporal interests; and this is clearly seen in a subsequent act which especially exempts the property of cities and communities from its operation, although they had been already declared to come within the definition of Mortmain *.

This mandate was also intended to lighten the taxation of all communities disposed to purchase land, and thus extract a revenue more than sufficient for local expenses appropriating the surplus to discharge a certain portion of general taxation which they were about to receive the power of distributing amongst themselves: it was a rational and benevolent object, which if honestly and not too extensively realized might be extremely useful. By certain municipal regulations, to be hereafter noticed, the rents of such property were made available before any other tax local or general could be imposed on the community; it was placed under the people's own control with nearly universal suffrage, and being based on sound principles of justice and constitutional liberty, it bore every mark of public good. But as the natural tendency of all bodies, corporate and animate, is to shrivel up and contract as they grow old, a large estate of this description many sometimes produce mischievous effects; and even with a popular

* Mandate, 23rd November, 1769.

administration and broad constituency an able plausible man might sway the governing council and do infinite mischief ere his year of office had expired.

The law of mortmain put an immediate stop to any further stagnation of property and opened channels for its more general division and alienation; it caused the instant disposal and tillage of vast tracts which were before uncultivated, dormant, and nearly profitless in the hands of various communities; it gave new life and vigour to agriculture; the good effects of which are still felt by the peasantry and small proprietors; and was altogether one of the most permanently beneficial acts of Leopold's reign. Yet he was not the original *author* of this law; he only cleared it up, enforced it, solved all the previous doubts questions and difficulties introduced by legal ingenuity since its original promulgation, made some important additions, and gave it altogether a new form and pressure.

From the earliest days of the principality severe laws against cutting pine woods in the "Campagna of Pisa" had continued in rigorous action: their original intention was to secure a supply of timber for the infant navy then rearing under the care of Cosimo I., an object imperfectly accomplished and with extreme injustice. By these laws no landowner dared to fell a single tree of this species upon his ground; majestic pines might wave their lofty foliage over his land but their shadow alone was his; the soil belonged to him, but not the power of cultivation, and every sapling sprouting from the grass was pounced upon by hawk-eyed rangers; so that his solid property and much spontaneous produce was thus tyrannically appropriated. To abate this evil a mandate was issued on the third of March which, annulling all preceding edicts, released the soil for a trifling quit-rent with the alternative of immediate cultivation or ancient bondage. The sound of the axe and the crash of woods soon echoed in all directions; the exportation of timber became rife and active; the powers of nature were revived; the country

soon glowed with tillage, and one more symbol of Medician tyranny was expunged from the statute-book *.

In the very next month however is shown a recurrence of morbid anxiety about the corn market by an edict enforcing the useless and vexatious law of *Portate*, to give government timely notice of any coming scarcity: nor are we more edified by a nearly simultaneous prohibition against the export of Tuscan wool *in order to encourage the growth of that article in the grand duchy!* This plan of contracting the market to extend trade is a misapplication of common sense very unusual with Leopold; there are however several of his earlier acts which show a considerable degree of vacillation, probably produced by the disturbing influence of those around him, more intent on private than public benefit. Another error but with a good object was creating the *Chamber of Communities*, to secure a more rapid and improved administration of justice and closer knowledge of public and private resources with a view to juster taxation. Its duty was to settle, amicably if possible, or else judicially, all causes between government and the communities, with strict injunctions to save both their time and money. Nothing could be more praiseworthy, and under able and honest executors it might have succeeded; but as vast power and patronage were involved, which secured only the self-interested support of some of Leopold's ministers, it completely failed, and was suppressed when additional experience had more distinctly exhibited men's characters and public wants to the eyes of the sovereign †.

The death of Pope Clement XIII. gave Leopold and Joseph II. a long-wished for opportunity of visiting Rome during the vacancy, after which they returned to Florence where the Grand Duke caused himself to be inoculated for the small pox as an encouragement to his subjects. Meanwhile the Fra

* Laws of September, 1569; April, 1587; August, 1601.
† Gianni, Memorie, &c^a.

Lorenzo Ganganelli of Urbino, a pontiff as much distinguished amongst priests as Leopold amongst princes, assumed the popedom: on the nineteenth of May this Franciscan friar succeeded the late pontiff under the name of Clement XIV. after having been equally favoured by the able Lambertini and his successor the pious and feeble Rezzonico: holding a distinguished rank in the Inquisition, and educated from his eighteenth year in all the austerity and illiberality of a cloister, Ganganelli still carried to the throne great mental energy and philosophy, with the heart of a liberal and enlightened man. His honest and vigorous mind instantly bent itself to the reformation of existing abuses, and especially to abolish the order of Jesuits as the greatest and most mischievous of them all, an object which he lived to accomplish and died for accomplishing.

Much of the year 1769 was spent by Leopold, as he was accustomed, in a personal examination of the most suffering districts, and suggesting ameliorations; the Maremma continued a constant object, but his means were unequal to what has been since accomplished there; the relief of misery was immense, yet he failed in a perfect cure: if the labours which under his grandson's auspices have been so happily terminated, had then been undertaken, the Maremma would now have probably formed what it yet will be, the richest and perhaps the most populous province of Tuscany. Leopold had already divided this district into eight *Podesterias* or departments, with local courts of justice in each and an appeal court at Grosseto; or if necessary through the governor of that city to the supreme court of Siena. This was a great relief by bringing justice home to people's doors and saving the time trouble and expense of distant litigation; and he added to it by simultaneously publishing a list of legal fees besides abolishing perquisites in every court of Tuscany. To encourage colonization he also granted lands in fee-simple, and exempt from all imposts for twenty years, to any settlers who would engage to improve them and endeavour to counteract the

influence of miasmata: foreigners were invited, with great privileges, government support, and free gifts of timber and iron for building: no distinction was made between priest and layman, and even the new law of mortmain remained suspended: the great object was population, and in fact a very sensible improvement took place in comparison with former wretchedness; but life was still precarious and the boldest pitched their tents in fear. Connected with the Maremma, but in a different spirit from the above, was an order to make the most rigorous exaction of every ancient toll and duty on the grazing of those cattle which annually descended from the Casentino, Scarperia, Anghiari, San Giovanni, and other mountainous districts: these tolls and duties were vexatiously inquisitorial and oppressive; some laws even compelled the grazier to make a previous declaration of the number of beasts he intended to drive into the Maremma during the season; and moreover to appear at certain custom-house stations on his return for the purpose of proving that no sale had been clandestinely effected on the journey! The consequence was much public mischief and private injury, and their subsequent abolition by Leopold. Many other acts of good and doubtful policy completed this year's operations: further encouragement was afforded to literature and the arts, divers monopolies were abolished, and a bounty on the expertation of native woollen cloths was established on the same principle that kept the raw material at home: but such efforts to make water flow up hill are now almost abandoned and people begin to see more clearly.

Macchiavelli's maxim, that things should be frequently reduced to their first principles, had it been practised in Tuscany would have diminished the Grand Duke's labours, for his scythe though its sweep was sharp and steady, encountered so many inveterate evils that even when swath after swath had been removed there ever remained something to accomplish. But to illustrate the nature of these labours it

A.D. 1770.

may be sufficient to give the substance of one law, amongst many others, enacted by Cosimo I. which exhibits a curious picture of that monarch's mode of proceeding. By the ancient republican laws all animals slaughtered in the Florentine state were subject to a duty forming part of the permanent revenue; but if killed for private use they were not thus liable; this naturally became a source of fraud and evasion which was not too closely investigated under the republic, but Cosimo's rigour led him to abolish every exemption except that of killing kids and lambs for domestic consumption *. In March 1557 he therefore consolidated all anterior laws, and enacted that every animal whether regularly slaughtered or killed by wolves or other accidents, should be instantly taken to the district officer, be weighed, have its legs tied together with packthread, then sealed with green wax, the ligature covered with paper and similarly sealed, and the whole process registered. This tax was appropriately named the "*Sigillo*" or Seal, and the "*Sigillatore's*" (Sealer's) pay arose from a per centage on its amount within his own district; besides which all butchers and innkeepers were obliged to keep a similar register of every animal they killed, under a penalty of three, five, or eight golden crowns for each, according to its quality and kind, for the first offence, and more severely afterwards both in purse and person †. Their servants were also enjoined under a penalty of ten

* Laws, 25th August, 1552, and 3d March, 1551. (Vide *Cantini, Legge del Granducato*, tomo ii°, p. 295.)

† The golden crown was first coined in 1533, by Duke Alexander of Medicis, because all other Italian states were doing so: its weight was 2 dwts. 22 grains, and one hundred crowns were coined from a pound of gold, from which one was retained by the mint as a Seigniorage. This crown was of little less value than the "*Zecchino*," or sequin, of ducat, of which Ferdinand I. in 1588 coined 97⅓ from a pound of gold, and it was, within a trifle, the same as the ancient republican florin of which only 96 were struck from that weight of gold. The gold of this crown piece was of 22 carats, and the then value in silver 7 lire and 4 soldi, that of Ferdinand's "*Zecchino*" was of 24 carats. The golden crown was also called "*Mezza Doppia*" when the *Doppia*, of twice the value, was first coined by Francesco the First. (*Orsini*, "*Storia delle Monete de' Granduchi di Toscana*," pp. 7, 37, 47.)

ducats with two applications of a severe torture called the "*Corda*" and one year's imprisonment, to denounce any infringement of the law by their master; receiving one-third of the fine as a reward and having their name kept secret. All private persons killing wild or domestic animals for home consumption were placed under these laws, and a month's imprisonment added when unable to discharge the fine; a written notice was moreover necessary for the nearest magistrate's information before any animals were killed for domestic use; in this was inserted the names of the father and grandfather of the persons, their parish, place of actual residence, and particular farm, as a check on the Sigillatore's weighing-book. Country innkeepers or others thus killing for household use and living more than half a mile from the weighing office were, as sufficient proof, allowed the testimony of two respectable witnesses if offered next day, and that the duty were paid within ten days; but accompanied by the collector's receipt as an additional voucher. Butchers were obliged to find security for the estimated amount of this duty ere they could obtain a licence to begin trade; and also to keep a public steel-yard in their shop, where any official underling, or *any other person*, might order the sealed and weighed meat to be re-weighed and re-sealed, merely for the chance of detecting some possible error in the amount of duty, every father or master being held responsible for his own family and establishment. The flesh of buffalo, in consequence of its inferiority, was not weighed, but sealed in every place out of Florence at a reduced rate of duty; yet within the city it followed the general law. No butcher was allowed, except for his own family consumption, to salt any kind of meat without an especial licence and was compelled to account for every piece sold on this account above the weight of forty pounds, besides keeping a daily register of all the living hogs bought or sold, together with the names of venders and purchasers. Even the smallest receipts for these vexatious

duties were subject to a charge of one per cent. on all sums of and under thirty soldi or about one shilling sterling; and more for those above, in a decreasing scale. By the old Grascia-laws no butcher could sell any meat without a notification from that magistracy of the price he was authorized to ask, which was computed weekly from the average of the cattle-market. There were however necessary contingent reductions that produced small fractions in the weight which having no real representative value in money, were officially estimated at one quattrino per pound as a fair compensation in the vender's favour above the regulated price; *and precisely to this amount did Cosimo I. impose a new tax for the Senese war;* at first temporary, but in 1561 he increased and made it permanent. This trade finally became a vast network of petty monopolies throughout the country and was sold by auction in every community to avoid the trouble and difficulty of preventing those frauds which still continued to be practised, although the penalty was increased in 1566 by condemnation to the galleys. The foregoing account will afford some idea of what Leopold had to reform in every department, and to this end in January 1770 he published one of those sweeping emancipatory laws on the free circulation of food which practically demonstrated the benefits of that entire commercial liberty so diligently preparing for Tuscany. This edict related almost exclusively to the markets of Pisa and its district where the sale of food was enveloped in a web of vexations that may be best unravelled by a short account of their removal.

Fine bread was relieved from one remaining tax and the manufacture of farinaceous food in every form declared free: the duty on butchers' meat together with numerous vexatious obligations about the time of killing and bringing to market, was entirely abolished; a second tax drawn by the custom-house from inferior meat was simultaneously annulled, and the contract for its monopoly, hitherto granted by the Grascia alone,

was put up for public competition; the sale of butchers' meat during Lent was freed from duty but confined to a certain number of chosen tradesmen; the offal-meat branch of trade was thrown open to all, and the price of every superior kind left free between buyers and sellers with a reserved right of magisterial interference to prevent gross imposition upon the poor. This was a necessary protection for remote districts, where long-standing monopoly and want of competition made the richest tradesman a petty tyrant. Licences for the slaughter and sale of animals, and fees and perquisites to underlings, which had long been a permanent source of vexation to every victualler, were abolished, the latter under severe penalties; but all tolls and duties payable for the transit of provisions from one province to another were as yet retained, the time not being arrived for their contemplated abolition *.

When the debt and expenses of Leopold's government are considered it seems astonishing how he could stand this constant drain of revenue without the substitution of any new tax; but his trust was in the nation's improved condition, which with good administration was expected to supply the deficiency by spreading taxation over a wider surface with lighter pressure on more solid means, and a positive increase of population.

The public weighing of olive oil by government officers, together with a duty on it, payable to the Cathedral of Pisa, were also abolished and its wholesale trade remained free from restriction, but on account of the poor the retail of this necessary still continued under the rod of the magistrate. A tax on the lease of stalls for an exclusive sale of fish in the Pisan market and a custom-house duty from the same source fell with the rest, and while setting that trade at liberty left the contract open to public competition. These changes rendered the Grascia of Pisa nearly

* Cantini, "*Leggi del Granducato*," Volumi ii., iii., iv., v., and vi. Laws, March 16th, 1556; March 26th, 1557; August 25th, 1552; September 23d, 1561; October 21st, 1559; November 17th, 1564.

useless, it therefore dwindled into a simple bench of magistrates with summary jurisdiction to a specified amount in the market besides the power of fine and imprisonment, and a direct supervision over the measure weight and quality of all provisions exposed for sale. To compensate the Pisan municipality for this loss of revenue the city gate-tolls under the ancient name of *Sigillo* were increased, which along with other remunerations left its ordinary resources undiminished; but the expense and trouble of collection was spared, trade facilitated, and the public relieved from a mass of grievous vexation.

It has been said that the trades or arts of Florence were so many corporations subject to their own peculiar laws and magistrates, with civil and criminal authority over all members and other persons connected with such jurisdiction; but as each art possessed a distinct code, it often happened that two men tried for the same offence on the same charge, and convicted on the testimony of the same witnesses, but by different corporations; were yet unequally punished. And in causes of the self-same nature judgment was frequently given on very different principles by these distinct and independent magistracies, yet each acting legally according to its own peculiar statutes. Such things might have been patiently borne, perhaps even approved of under republican government when each art formed a sort of independent state with a corresponsive spirit, but even this is doubtful; and in later times, after the nation had fallen flat before princely power, they disturbed the level, the equality of civil privilege, and all governing justice. By the Medici they were unheeded, but Leopold felt the necessity of change both from inherent wrong and the evil effects of all privileged bodies on national industry. By a law of the first of February he therefore annihilated the system, destroyed the whole machinery of Florentine arts, and made them subject to a single newly created jurisdiction called "*The Chamber of Commerce, Trades, and Manufactures.*" The Six of Com-

merce, the magistracy of the Merchant's Company, the Banker's Company, the Wool and Silk Trades, and most others were immediately suppressed and their authority concentrated in this new court; but both branches of the medical art, the "*Opera*," or Cathedral board of works, and some others, were spared for the moment. The suppression of matriculation-fees immediately and justly followed, they were a mine of vexation for the whole body of tradesmen and prejudicial to private industry; not so much from the amount as the annoyance and that indefinite expenditure of time and money necessary to secure each against the many oppressions which a powerful body can inflict more easily than a helpless member avoid; for it commonly happens that the poor, who suffer most from bad government and therefore have the greatest interest in its being good, are generally deprived of any voice in the formation of those laws which they are so often forced in misery and silence to obey.

Merchants and bankers were subject to only one simple tax of matriculation, but the wool-trade had a greater and lesser tax of this sort besides two others on the stamping of cloth, one paid to their secretary, the other as a licence for retailing manufactured goods, all of which, besides another licence for small traders, now ceased and workmen were generally emancipated. The silk-trade had three sorts of fees, the physicians four, others five, but all were annulled: the necessity of an initiatory examination, except in certain cases, shared the same fate, but regular tradesmen were still required to enter their names in the public register if they opened a permanent shop. The numerous regulations thus encumbering every branch of manufacturing industry did great mischief, by holding workmen in almost infantile bondage tied up with strings of minute and slavish regulations synthetically applied to every step of every branch of labour from the raw material to its most complicated state of perfection; and also by impeding not only a free sale of com-

modities but the acquisition of necessary tools and materials. Instead therefore of the prickly brakes of ancient legislation an open field was now cleared for public competition; premiums, loans, and other stimulants encouraged the wool and silk trades along with every other branch of manufacturing industry; much was expended in attracting foreign artisans to settle in Tuscany, and more than 200,000*l.* sterling went in loans to workmen, with strict orders for its recovery in the gentlest and most gradual way, at such times and rates as were least likely to embarrass individuals or retard industry *.

One of the obstacles to any healthy internal trade of corn and cattle was a law which compelled every owner of oxen to pay 3½ lire or nearly a zecchino of that day per head, for merely driving animals beyond the contado, and decreasing in proportion for other places. Still more severe laws governed the frontier which by two of Cosimo the First's acts was most rigorously and painfully protected, except in the Pistoian country which by especial privilege lay beyond their reach †. To carry provisions or drive cattle within three miles of the frontier subjected not only the culprit but all who were cognizant of his intention to fine, confiscation, or death, according to the case; wherefore none within these limits could move provisions even from field to dwelling without permission from the local authorities! These laws though not rigorously enforced were not annulled, and strange to say, but partially mitigated on the twenty-fifth of February 1770, by making the simple want of a licence insufficient for conviction.

In the following March Leopold was enabled to bring all the branches of public debt to a uniform charge by paying off those who refused three per cent. per annum as the permanent national interest, and thus by a rigidly economical administration he returned about 450,000 crowns to dissentients; a proof, if we may so argue from the amount, that Tuscany was

* Governo della Toscana, p. 28.

† Laws of April 20th, 1547; August 26th, 1557; May 27th, 1559.

beginning to offer more lucrative investments for capital to enterprising men: one consequence of good government! On the other hand, partly from the abolition of rewards for the destruction of wolves, but more from agricultural decay and the consequent wildness of country places, these animals the emblems of misrule, seem to have multiplied all over Tuscany and roved about with such fierceness that not quadrupeds alone but even herdsmen and travellers were frequently attacked: rewards were therefore offered as high as eight golden crowns for each full-grown wolf besides a general permission to carry arms and use every other means of destruction. This soon diminished their numbers which were reduced within reasonable bounds, but it is a sad index to the lamentable state of Tuscany and the depths from which Leopold rescued it! Even now the race of wolves is far from extinct in the Maremma and other districts. The Medici possessed extensive private estates which had never been taxed, so that their portion of public burdens fell upon the inhabitants of that community in which they lay: Leopold was too just a man to continue this abuse, and soon reduced his own and the order of San Stefano's property to the common level, an act which was felt and consequently appreciated by those who directly benefited; but the motives were probably estimated at their real value by very few, and the example would have been followed by still fewer.

There are certain epochs in society; generally those of great refinement and luxury accompanied by political or religious excitement; when passions are deeply stirred, and men's hearts being enveloped in worldly consequences cannot even comprehend the idea of disinterested beneficence, much less afford it due estimation and respect, and Tuscany at this period seems to have been lamentably deficient in the power of perceiving and appreciating disinterested good, but more from the effects of previous oppression than any existing distraction or natural obtuseness of intellect.

To notice every act of Leopold during twenty-five years of

unrelaxing and beneficent reform would be as tedious as useless; the mere catalogue might occupy a score of pages; it is sufficient that Tuscany was one mass of moral and political disease to which he applied his own medicines, and enough has been already mentioned to display the nature and spirit of these early labours; wherefore the remaining narrative will be chiefly confined to those more prominent and general measures which carried with them the most important results and best show the bearing of subsequent acts, as well in their connection with Tuscany as on sound general principles of legislative polity and political economy.

Besides acknowledging the absurdity of any assize on bread or other food and giving permission for the free internal carriage of manure and fire-wood from district to district which had hitherto been interdicted, this year was signalized by the arrival at Florence of a celebrated statue the acquisition of Ferdinand I. well known as the Venus of Medicis; and along with it the beautiful figure of the young Apollo; for Leopold although essentially a man of hard business and activity, was by no means insensible to or negligent of the fine arts, yet took more pleasure in excavating ancient abuses than ancient monuments, and in supplying the wants of the poorer rather than the tastes of the richer portion of his subjects. Nevertheless his attention was early applied to embellish the Royal Gallery, not altogether as a mere exhibition of curiosities but as a school of genius, of mental cultivation and intellectual expansion, an academy for the dispersion of ignorance, an object of refined taste and pleasures, which in proportion as it absorbs the spiritual faculties separates rational man from the mere animal and its more debasing passions, to contemplate the beautiful and good: the tendency at least is so: for the closer we follow the aspirations of immortal spirit, the less power will mortal flesh have over us: that mounts like flame; this "mantles like the standing pool:" yet both are useful if rightly understood and managed.

Leopold had already bought a collection of the portraits of celebrated painters, a work commenced by Giovan Batista Zannoni but completed by Abate Antonio Pazzi which, although not so valuable as the first and earliest part of the then existing series, still served to complete it and along with many original drawings for engraving, formed a valuable addition to the gallery *. This department was placed under the minister of finance and superintended by Giuseppe Querce, a man of considerable ability, with whose aid the Grand Duke resolved to make a scientific arrangement of all the treasures in the gallery and therefore drew from various royal palaces and villas, many objects of art which had hitherto remained in comparative obscurity. It was in pursuing this object that the above named statues, and the fine but perhaps over-praised group of Niobe, are said to have been brought from Rome: several original paintings, after being replaced by copies were also removed from the ancient law-courts and other tribunals of Florence; many pictures were purchased, and amongst them the Samian Sibyl of Guercino, also a variety of Etruscan antiquities composing the Galluzzian museum of Volterra, along with a valuable numismatic collection of the middle ages which belonged to Ignasio Orsini the celebrated writer on that subject. Every valuable work of art appertaining to the Jesuits at the time of their suppression was subsequently added, besides what remained of the Gaddi collection of pictures and statues, amongst them a beautiful *Torso* almost rivalling the magnificent fragment at Rome. Until Leopold's reign the gallery had been in confusion; no method was observed in distributing objects of art or science, the three natural kingdoms were mingled in a second chaos, and all order was confounded: Leopold remedied this by arranging each branch of art and science

* Pazzi engraved and published them all from his own drawings, with a notice to each by Abate Orazio Marrini in 1764 and 1765. (Vide *Pelli*, vol. i., p. 407. "Saggio Istorico della Reale Galleria di Firenze.")

in separate apartments, and after everything was reduced to regularity this interesting collection was thrown open to the world *.

Justice required that a prince so strenuously working in the cause of others' liberty should himself be free; but Maria Theresa feared reform; and it was the salutary spirit of innovation so conspicuous in both her sons which prevented the emancipation of Leopold who she saw was rapidly reducing all things to original principles. She observed in the bold precipitance of Joseph a spirit that forereached on national intelligence, perhaps on national wants; in the cautious and steadier Leopold she perceived a kindred but less impetuous mind slowly dragging up his subjects to a sense of their own rights, and an appreciation of all those social necessities which increase if they do not constitute the dignity of man. She was apprehensive of both, and perhaps had some misgiving of family misfortunes; the Emperor was nearly independent; but his brother, being still bridled, impatiently champed the bit and determined to recover his liberty: he was now three-and-twenty, and being weary of five years' tutelage made a journey to Vienna where by Joseph's aid, but not until after four months' solicitation, finally succeeded. From the very moment of this emancipation the Grand Duke exhibited a more decided spirit of reform, along with a determination to act for and from himself and go forward in his own inherent strength unassisted by any man: he had still some able people about him; but men of talent if honest will not surrender their judgment even to please a prince, nor consent to act as mere automatons in the administration of their country. At Leopold's return in November 1770 Count Rosemberg's retirement from the ministry became public, and on the twenty-eighth of December a new administration was completed: Rosemberg's dismissal seems with some reason to have been universally regretted; but although a man of ability and clear views on many points, he

* Pelli, "Saggio Istor°. della Galeria Reale di Firenze," vol. i°, p. 411.

appears not to have been sufficiently imbued with the royal spirit of innovation, and was probably himself unwilling to act as a mere clerk to the Prince whom he had so long been directing. The opposition he is said to have made to any sacrifice of the Trade Corporations and the creation of a Commercial Chamber, must have convinced Leopold that he could no longer depend on Rosemberg as a zealous coadjutor, and this seems the most likely cause of his dismission. Leopold was cautious and deliberate enough, Rosemberg still more so, wherefore as he belonged to Vienna and not to Florence, and from his position had been accustomed to control the Prince, he could only have proved an obstacle to future reform and therefore likely to become more useful in Germany than Tuscany *.

The new administration was now reduced to four departments, namely, War, Finance, Home, and Foreign affairs, but the functions of these last two were transferred to a Council of State, or in other words to the sovereign himself: the Finance Office remained independent; the War Office was in direct intercourse with Leopold, and he also reserved some other business for his own especial attention. The Council of State was composed of Abate Pompeo Neri as President and Prime Minister, a sound and able statesman; of Count Vincenzio degli Alberti; the senators Ferdinando Incontri and Tommaso Piccolomini; Cavaliere Francesco Siminetti, and the two Secretaries Francesco Seratti and Cavaliere Carlo Bonsi. The Council of Finance was directed by Angelo Tavanti with the two Secretaries of State Francis Louis von Schmidtwieller and Francesco Antonio Bonfini. Alberti is described as full of learning and honesty but cold and timid; Piccolomini as an impetuous intractable egotist and full of aristocratic insolence, who left the real work of his office to Baron Cervelli of Ferrara a minister of some previous experience at the court of Naples. Simineti was Home Minister, and all the other great placemen

* Vita Privata di Leopoldo, p. 84.

about court except Gianni seemed to have had but slender influence. Gianni was a bold and decided reformer on the broad basis of universal good, but perhaps intellectually more adapted to detect and expose public abuses than to the higher and more expansive duties of a statesman: Corsini, Strozzi, Pandolfini and Count Thurn were mere appendants without political influence.

From this epoch Leopold assumed to himself exclusively the power of signing laws, rescripts, and mandates, which after examination by the chiefs of those departments to whom they related and receiving the Secretary of Council's signature, had full effect: each office worked independently, but those of State and Finance besides their secretary's signature required also the President's "*videt*" to give effect to their decrees. One day in the week was by this edict set apart for the personal and indiscriminate audience of any subject who had a petition to present or a complaint to lay before the throne: the four heads of departments were ordered to receive these petitions and be in official attendance on certain days to correct abuses and redress injuries. Each was made responsible for his own department, and together with the several secretaries met the sovereign in full council every month, when all legal matters were discussed with the Auditor of the Consulta's assistance, and an accurate account rendered of the unsettled business remaining in their respective departments.

This important transaction, which was in fact a new frame of responsible government, closed the winter of 1770; and with it Leopold began that of 1771, for the first time after a reign of five years, as an independent sovereign. Although personally impatient of control he was willing to let others share that liberty of action which he claimed for himself, but not until he had finished what were considered the necessary preparations for it; he chose moreover to grant this in his own time and

way, and was accordingly despotic. Sometimes he was mistaken in the means and often too much blinded by his innate feeling of honesty, to perceive with sufficient clearness all the evil that might follow a fallacious method of bringing these means into action; but this was human nature: the basis of his works and character was philosophy, justice, and philanthropy.

CHAPTER VI.

FROM A.D. 1771 TO A.D. 1775.

PETER LEOPOLD THE FIRST,

GRAND DUKE OF TUSCANY.

As a really absolute and independent prince Leopold's activity was redoubled and much of the present year passed in a minute personal examination of his dominions: nothing was neglected; his mental and bodily energies appeared inexhaustible; an extensive reform of the Florentine courts of civil law together with numerous small but important emancipatory edicts filled up those intervals of apparent repose that divided his journeys. Amongst them was an abolition of all duty on the purchase and sale of cattle at Arezzo; a reduction of that on the *importation of foreign straw plat*, and the entire freedom of trade in plated wares and tinsel: this last had been farmed out with the notion of keeping it distinct from the duties on genuine gold and silver manufactures; but as it only produced injury to commerce and industrious workmen, all restrictions were now removed except a small payment upon the manufactured article. A decree soon followed which in abolishing every tax on the internal oil-trade, cleared away another obstacle to agricultural improvement and advanced a step towards the suppression of provincial custom-houses. Almost all the Tuscan communities had at one period their own especial Gabelle or tolls on the introduction and extraction of every commodity: this right had come down from ancient republican times when nearly every city town and Castello governed itself by permission of the dominant state: these Gabelle were considered

A.D. 1771.

as a local revenue for local purposes, of which there were partial deprivations, but the system was never abolished. Their multitude so obstructed the circulation of every kind of produce, that it was not unusual to see oil at a famine price in one district while in another it had fallen to a ruinous discount for want of egress! Cultivation naturally declined. The suppression of other tolls also, such as those on cattle at the ferries and fords of rivers, together with a great reform of civil law, completed this year's labours. The latter which appeared on the thirtieth of December 1771 was of vast importance: it improved legal proceedings by economising time and money, and it secured a more liberal dispensation of justice: the notaries and actuaries (called also cavalieri) of the Florentine courts had in fact become so ignorant that increased litigation and confusion were the consequence of their excessive incapacity or negligence, and Leopold would no longer allow justice to bend before the caprice and inability of those who were paid to maintain it. The *Giusdicenti* of Tuscany to whom belonged legal decisions and political government had been previously drawn by lot from a particular purse containing the names of every Florentine citizen competent to this office, but without any other qualification than the citizenship! The imperfections of such ministers after law and manners had lost their pristine simplicity and the former became an exclusive and complex study, may be conceived; and though there was no lack of able men in Florence almost all were absorbed in trade: the absence of this left the ancient Roman citizens at leisure to study law and politics as well as war, and thus fitted them for such offices. Few being able so to apply themselves in Florence, the Giusdicenti unless chosen from legal professions were generally little versed in such duties, and often became judges without learning, police magistrates without experience, and governors without much knowledge of the principles of government. This was of course not invariable, because the nature and freedom of republican institutions

initiated many in political science; but the great mass of citizens partook of this character and their ephemeral tenure of office gave a superficial versatility rather than deep experience, so that the whole system needed reform and a more open road to sounder justice.*. From very ancient times the privilege of choosing new judges and removing causes into other courts if suitors were dissatisfied, was accorded to all litigants; but though plausible, it engendered intrigue, and the close network of Florentine tribunals facilitated the practice; it was nevertheless found hurtful in the altered state of society and national manners. Leopold endeavoured to remedy confusion by removing abuse and diminishing the expense and difficulties which legal delay usually inflicted on those least able to support them: he therefore regulated the mode of putting in pleas, of despatching business, the terms to be adopted, the costs of suit and the selection of judges; ancient forms were abolished and permanent judges appointed to each court both in the first and second instance. In the supreme magistracy these were the auditor, chancellor, and sub-chancellor, separately or united, according to particular instructions on that head: the court of minors and adults was presided by a succession of senators in turn, a legal resident, and an assessor named by the Prince; and all Florentine tribunals were thenceforth to commit the decision of causes to their respective residents and assessors as permanent judges. Suits not exceeding seventy lire or about forty-seven shillings, when brought before the supreme magistracy the court of minors or the conservators of the laws, were disposed of summarily according to the judge's conscience without any appeal but to the *Consulta*; those of larger amount up to 300 lire were thenceforth to be decided by one of the judges in the first instance alone, and this value determined by the plaintiff's demand. All other causes came before the whole court and these

* Cantini, Legge del Granducato, vol. xxx., pp. 120, 129.

regulations applied to every tribunal, whatever might be the number of its judges, each in his turn deciding petty suits, the litigants being allowed on application to have fewer than three. The senator-judges were nominated in regular succession and forbidden to delegate their authority to any colleague: all causes were to terminate in the court where they first began, if not provincial; from this last, in certain cases and within fifteen days from the first citation, they might be removed to the metropolis, but Florentine citizens still retained their right of having judgment pronounced in the capital. The supreme tribunal alone had cognizance of those causes where the knights of San Stefano or the royal household were concerned, as well as of various entail and mortmain cases and the execution of rescripts and other laws on such subjects. This act, which is very long, determined also the duties and authority of law courts, and limited appeals to a period of ten days after promulgation of judgment; the cause was then to be considered entirely new, but if not persevered in for twenty days after, the original decision remained valid.

The Ruota was now composed of six auditors, forming two courts of appeal for causes requiring a plurality of judges, and successively presiding in cases which needed but one; three days being devoted to this duty and the remainder of the week to their regular business: but if any one of these were absent, or a fair objection to his sitting in judgment alleged by the litigants, a provision existed to supply his place. All causes were to be decided within six months, three being preparatory; the first was assigned to the plaintiff for instituting his suit; the second to the defendant for arranging his defence; the third remained common to both: but during all this time the court was not obliged to take any information on the merits of the case from either. At the end of three months the trial really began and whenever called upon by the litigants the judge was bound to give his opinion on the case

within forty days; this the parties were to answer within twenty more, the last month being reserved for the court's decision and the transmission of its "*Relazioni*" or judgments to those officers charged with their publication. All the doubts, difficulties, and objections of judges were to be as brief as possible, and in those causes where several of the latter were necessary each was to state his objections in writing to an officer called the "*Relatore*" who condensed the whole into a short address for the litigants. In appeal cases four months more were allowed, which could be only prolonged by the royal Consulta if requested by either suitor or the judge, but not more than two months except in extraordinary cases; the court however could shorten this time if not required, and in every instance judgment was ordered to be given without delay. The judges of the Ruota as a court of appeal were enjoined to give their reasons for all decisions exceeding a hundred crowns or about twenty pounds sterling, which reasons, or "*Motives*," were to be sent to the proconsul's office within twenty days as law precedents, the appellant as author of this delay being charged with the additional expense: this however could not justly be enforced if the appeal were successful because in such cases an error of the court not the appellant occasions it. Judges were forbidden on pain of royal indignation to express any opinion out of court; and to promote professional talent and honesty, the proconsulate was ordered to supervise and rigorously investigate the conduct of all its members, especially attorneys, excluding them if necessary from the annual list of those awaiting the Consulta's approval, without which they could not practice; nor did even this authorize them until after rigid examination, a diploma from the universities of Pisa or Siena, and four years' apprenticeship under some experienced lawyer. Thus an extremely rigorous legal and moral examination was instituted before any attorney could practise; he was afterwards permitted to appoint a surrogate in every court where

the cause was trifling, provided that the latter were a doctor of laws, but could be struck off the roll of attorneys for any misconduct, and was responsible for all damages done to an injured person.

Poor people were made liable to only half the legal charges, and the extreme indigent could by this act appear in any tribunal and claim assistance gratis from the whole bar, some professional advantages being allowed to the advocates as a compensation *. Judges were paid according to the number and importance of their decisions, up to four crowns a cause when the latter exceeded a thousand crowns, besides other fees; all strictly regulated clearly defined and extremely moderate. The expense of criminal prosecutions was subsequently lessened and the use of stamped paper abolished in all such proceedings.

A.D. 1772. The difference of time and manner in which the republican conquests were reduced to subjection accounts for their not being governed by officers of uniform title and jurisdiction, or of similar dignity official duration and authority: the Medician dynasty made no particular alteration; some of Cosimo the First's regulations in 1545 were rather to restore discipline and confirm previous laws than to introduce any novel arrangement: he merely issued orders about the dress and dignity of themselves and their household; the number of subaltern officers, of "*Sbirri*," and other followers belonging to their station; the obligation for Giusdicenti to maintain law-officers and clerks; partly from their salary, partly

* By an "*Instruction*," June 5th, 1777, a legal distinction was drawn between the "*Poor*" and the "*Miserable*," or "*Indigent*." The first were those who though possessed of some property, could not without great privations afford the whole expense of a law-suit if they had any regard to the condition of their family and other circumstances; but who by great economy perhaps might make out the half without sacrificing the necessaries of life. The "*Miserable*" or "*Indigent*" were defined as possessing *nothing*, and whose personal exertions were not sufficient to gain a living suitable to their station in life, so that any additional expense would nearly deprive them of common necessaries.

by legal fees, and so forth. These governors really did little but represent the sovereign, and though always presiding in both civil and criminal courts yet the decisive vote and opinion belonged to the judge, and where there was no judge, to the "*Cavaliere.*" This officer was the actuary for civil causes; he received the acts and compiled the process: the notary was the criminal clerk, and where no judge sat, as in many provinces, he became the district assessor. In republican times the Giusdicenti had salaries ranging from about 350 to 2400 lire; they found securities to a great amount, and maintained a judge notary cavaliere and a certain number of officers with other followers; their fees must have been considerable and probably much of their emolument depended on personal industry at the public cost *.

Leopold considered all this both inconvenient and oppressive, also that greater despatch and justice would result from more simple arrangements; wherefore in September 1772 he divided the various governments into greater or lesser vicarships and podestàships or *Podesterìas:* this gave the vicars civil jurisdiction in their own district, and criminal authority in those *Podesterìas* that were embraced within the same limits, but the podestàs were allowed only civil jurisdiction in their own *Podesterìa;* this however was subsequently changed, the greater and lesser vicariates were abolished and the whole system simplified †.

Excepting the above acts, this year was more remarkable for festivities than any salient measure of reform, yet many small but pinching bonds were loosened, many petty grievances and still-existing impediments to internal traffic removed, and other relaxations of Medician rigour accomplished: such for instance as restoring the several sport-prohibited rivers of Seravèzza to public amusement and industry; the suppression of a great

* Cantini, "Legge del Granducato," vol. i°, p. 276.—Forti, "Foro Fiorentino," MS. Maglibechª. Library.

† Cantini, vol. xxx., p. 448, 4° edition.

wax-monopoly; the exclusive lease and occupation of fish-stalls in Florence market; a release of the various communities from any further dependence on the chamber of that name; regulations for the permanent leasing of royal and other public lands, which by portioning an immense breadth of ground amongst numerous tenants became one of the most useful measures of this reign: besides these there was a tax of redemption for many little annoying and expensive imposts, with various other regulations of a similar nature, only mentioned to show not only how thoroughly Tuscany was steeped in vexation, but the minute progressive and constant pressure so indefatigably applied by Leopold to relieve it. A single toll at the gates of Pistoia was likewise substituted for innumerable petty financial torments in that city, and no less than fifteen royal preserves were shorn of their priviliges of chace and fishery, disparked, and thrown completely open to the public: such things were generally appreciated, but not so a limitation of the hitherto frequent costly and mischievous court festivals to three in the year; one of those encouragements to economy and industry better justified by reason than relished by the idle and amusement-loving Florentines.

Count Orloff's arrival at Leghorn with the Russian fleet, and a consequent round of entertainments at the capital, broke gaily into Leopold's pale of rigid and sombre economy: but he too could be magnificent, and with one festival, the last of those splendid pageants so prevalent under the Medici, agreeably occupied Florence for many days together.

The great square of Santa Croce was changed on this occasion into a vast and magnificent circus after the ancient fashion: a long array of decorated seats encircled the lists and arose in gay order almost to the first story of the neighbouring palaces: the venerable though still unfinished front of Santa Croce's church closed up the eastern end, while a white marble fountain played lightly to the westward on the confines of the

ancient Roman amphitheatre, whose echoes were once more awakened to the shouts of revelry. The structure rose in an oval form with three courses of seats, surmounted by a colonnade, which crowned the whole circumference: there were four great entrances adorned with statues, and the whole verge of this vast amphitheatre was embroidered as it were by a florid balustrade, apparently of hewn stone, relieved by festoons of rich and brilliant drapery, the whole supported by a narrow pathway descending with three broad steps into the arena.

This pageant being intended to represent the defeat of Cyrus by Tomyris Queen of the Massagetæ, the two hostile armies entered through opposite gates, and, marching pompously round, drew up in order of battle at each end of the field. The king on a barbed steed with shoes and hoofs of gold, and supported by two sons in more than Persian magnificence, led on his army. Six companies almost equally gorgeous followed his steps with spears and slings and gilded bows, glittering in resplendent arms, and excited by every warlike instrument of music. The queen, dressed as an Amazon and supported by two Scythian princes, commanded a legion equal in numbers and magnificence, surrounded by steeds, chariots and camels in cloth of gold, with numerous spearmen: the two armies altogether amounted to full five hundred men, led on by eighty chiefs varying in arms and raiment. Cyrus dismounted under a tent of scarlet and silver, Tomyris under a pavilion of gold: presently these tents were struck, and after some military evolutions the Persian monarch was boldly challenged by the queen and as gallantly accepted the defiance: then came the conflict, which was for a while maintained in theatrical confusion but accompanied by the shouts and dust and animation of a real fight. Cyrus was finally conquered and made prisoner, and Tomyris rode triumphant over the field in a splendid chariot drawn by four horses with the prisoners laying at her feet. This spectacle was renewed in various forms for several days, to the extreme delight of all Florence, and with such taste and splendour as showed that

even in these trifling festivities Leopold could rival the by-gone periods of Medician magnificence *.

The year 1772 concluded with some considerable relief to the tanning trade which like the rest had been almost stifled by taxation and restrictions; and the new year began by an
A.D. 1773. issue of instructions on the best method of restoring suspended animation accompanied by a reward of five sequins, or a gold medal of equal value, to any medical man or other individual that should succeed in restoring a drowned person; and the first doctor who could prove his having restored animation in a body taken from the water without signs of life might claim twenty sequins or an equivalent medal in gold, besides other encouragement for every assistant. This humane act was followed by a rescript which restored the already-noticed management of drains and rivers to the proprietors, with permission for electing deputies, and the power of self-government: the abuses of that department, the impulse to private exertion given by this decree, the subsequent discord, and the final relapse into that indolence which loves liberty but not the trouble of its preservation, have all been mentioned; and at first, while proprietors yet smarted from previous abuse, while self-government was still novel and future prospects bright, this rescript received general applause; it was soon extended to Prato, Campi, Sesto, and many other low and watery districts, but gradually failed altogether. After the suppression of a monopoly in the manufacture of gunpowder there came forth one of Leopold's first decided acts for the restoration of civil liberty: it had been previously tried on a confined scale at Volterra, but now appeared in the form of a series of self-governing measures for every community in the vicariate of San Giovanni of the Val-d'-Arno; not by particular charters as a gracious concession, but as a law of the land based on man's natural and immutable right to self-government †. This however will be hereafter more fully noticed.

Another general clearance of numerous clogging obstructions

* Florentine Journal of the day. † Regulation, February, 1773.

in the shape of export import and transit duties, small monopolies and similar abuses; vexatious, though trifling in themselves, yet existing in such numbers intensity and accumulated effect as to seem marvellous how any industry should have existed even for half a century so trammelled and entangled. The principal manufactures affected by this law were hemp, flax, cotton, the calendering of cloth, hats, bees-wax, and the strings of musical instruments, with all their collateral and dependent industry and articles in every form: some of these were local, others general, and many of course not even known to the sovereign until detected by continual, minute, and indefatigable research. In this way Leopold probably became aware that notwithstanding every effort to leave the corn and provision trade perfectly free, there were still many little local obstacles secretly retarding its complete accomplishment; wherefore an edict of the eighth of May declares his belief that unbounded freedom in such commerce must ever produce the most salutary effects and consequently expels from the Tuscan markets every privilege, preference, and monopoly that might still remain in favour of individuals together with all distinctions of stations and hours of selling, notwithstanding any previous laws or customs to the contrary. From such subjects the Grand Duke turned to others of a purely benevolent character: it had been ever the custom to use Turkish prisoners of war precisely as the convicts and galley slaves amongst whom they worked, loaded with chains and fed with the same food as individuals guilty of every crime: many of these poor creatures had been recently captured by Captain Acton of the Tuscan frigate Austria, and immediately called Leopold's attention to the slavery in which they were retained through barbarous notions of a religion that inculcates very different conduct. He therefore so far altered this as to separate them from the convicts, and insure their safety while still in bondage by a very light chain. Their number was augmented in 1773 by a gallant

exploit of this same Acton, a man far more conspicuous in later times by his great political influence at the court of Naples.

Although Leopold had built two frigates he never favoured a warlike establishment greater than was necessary to protect his coast and commerce against Barbary rovers, and even this he afterwards dispensed with; but, at this moment Captain Acton, who had been carrying on some successful operations against them destroyed several vessels in the Bay of Tunis, and while continuing his cruize off Tetuan received intelligence that two Algerine xebecks with five Sallee rovers were about to enter the Mediterranean. On the fourteenth of October he observed off Cape Spartel, two vessels making for the straits; one hove to under the Cape, apparently awaiting her consort with whom she was exchanging signals, but a thick fog concealed her for three hours: when it cleared off she was standing boldly towards the Austria and nearly within gun-shot, the Sallee flag flying, a signal up, and everything ready for action. Acton immediately ran her within half musket-shot and poured in so sharp a fire of all arms that she struck her colours, and was taken after a feeble resistance without aid from her consort. She mounted twenty-four guns, and the remains of her crew, amounting to eighty prisoners, were sent to the Austria. After securing this prize Acton gave chace to the second frigate and ran her ashore near Arzilla on the Barbary coast, but in waiting for a favourable moment to complete his work another Sallee frigate and two xebecks hove in sight and bore down on him, while signals were busily making from the town. This frigate was also driven ashore by the Austria after a short chace and destroyed with two broad sides: following up the blow Acton chaced one xebeck off the port of *El Araiche* and instantly opened his fire, but under cover of the batteries she got safely in. The second frigate was also of twenty-four guns, the xebecks of twenty-three and sixteen guns each, but the second escaped while her consort was engaged with Acton. He after-

wards discovered that they formed one squadron, and had left *El Araïche* on purpose to capture the Austria: they however met their fate without even killing or wounding a single Tuscan seaman, and Acton acquired a very deserved reputation by the exploit.

The system of perpetual leases or "*Allivellazioni*" of the royal possessions was in constant progress; abolition of duties and vexatious offices, creations of markets, and such like improvements were still unceasing; the provincial territorial duties were fast disappearing, new and moderate fees were established in every provincial court, governors of districts and their law officers were compelled to justify their whole official conduct within fifteen days after the expiration of office, the salaries of university professors were increased, and public study was facilitated in Florence by uniting the royal library with that of Magliabecchi, altogether forming one of the most valuable collections in Europe; and thus was Leopold ever at work for national good. Called a despot by his enemies, he certainly was so, and the Tuscans have to bless him for it: the nature and spirit of that despotism may be seen in his laws, and the present condition of Tuscany is his noblest witness; for despotism and tyranny *may* be identical, but they are not necessarily so. The creation of the Consulta as a high and final court of appeal from the Ruota, with the duty of preventing vexatious prosecutions or indefinite continuance of suits, was the only other important act of this year the close of which however became interesting to naturalists by a present which Leopold received from the celebrated African traveller Bruce; this consisted of a great variety of seeds, collected by him in Abyssinia with minute directions about their cultivation, and drawings of each made by himself while they were in flower.

The first act of 1773 was to limit the period within which rapes, homicides, arsons, and such crimes should be legally prosecuted; it formed one of those preparatory steps which the Grand Duke was wont to take prior to the A. D. 1774.

introduction of greater measures, in order to judge of their action and practical result, and seems to be one of the earliest indications of his celebrated reform in the criminal law. The Jesuits' possessions supplied him with considerable funds and many vacant houses of that order, which he employed in the foundation of schools and colléges: a seminary had already been founded at Siena, and another was this year established in the Jesuits' residence at Pistoia for instruction in all the lower and some of the higher branches of education, such as rhetoric, natural and moral philosophy, geometry, dogmatic theology and the canon and civil law, with professors' salaries up to 500 crowns a year. A set of regulations was compiled to direct the mode of instruction and election of professors, and the ancient municipal schools which seem to have become useless, were at the same time suppressed. A similar plan was pursued at Arezzo under the monks of Valombrosa who appear to have been then above the general standard of the regular ecclesiastical orders. At San Sepolcro there were no less than eight schools founded and endowed; under the supervision, as at Pistoia, of two municipal deputies and other governors. Leopold left nothing idle or unexamined, amongst others natural medicines, for the use of which he established new roads baths and lodging-houses at the springs of Monte Catini entirely as a public convenience, and in general allowed no source of public utility to remain long unexplored or unimproved.

Under Medician rule the whole mass of Tuscan industry was curdled up into innumerable clusters of great and small monopolies; amongst the last was that of the pastry-cooks, which, trifling as it appears, absorbed an extensive business and caused great and general vexation, inasmuch as it directly interfered with the private preparation and cooking of food for sale and left no seller at liberty: Leopold therefore threw it open to public competition reserving some trifling duty for government.

Mention has already been made of the Chamber of Commu-

nities with its principal powers and objects; badly managed from the first, it suffered several revisions and partial losses of authority, but its jurisdiction over both the contado and district of Florence continued until a new code of provincial regulations abolished it. This last great act, which soon spread over the whole state and formed one of the most remarkable transactions of Leopold's reign, issued forth as the harbinger of political and civil liberty in Tuscany: his first object was to draw the people's attention to local affairs and awaken sufficient zeal to give clearer conceptions of their own necessities obligations and social duties as citizens, not of the mere locality where they then vegetated, but of a great united commonwealth. Pursuing this notion he gave them full liberty and ample means to examine their financial condition, to distribute both the local and general taxation in their own districts, and freely to express their opinion of everything relating to them; but to appreciate the importance of this concession the reader is referred to the introductory chapter for some account of their grievances while under the jurisdiction of the "*Nine.*"

The grand duchy of Tuscany was at this time divided into about two hundred and fifty communities each with its own local government, once free, but gradually shackled by the Medici until they became finally rivetted to "*The Nine*"? who amongst much misrule had permitted great abuse to pervade their economical administration: for these and other more important reasons Leopold determined to reduce these municipal governments under one general system. In September

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Note.—On the 18th of February, 1774, died the Cavaliere Francesco de' Buondelmonti, at the age of eighty-five, and with him finished the male line of a family which was the source of so much woe to Florence. There are accounts of them, it is said, so far back as the eighth and ninth centuries, and as claiming their descent from the ancient Lombard Marquises of Tuscany. They were Lords of the Val di Greve, the Val di Pesa, Monte Buoni, and many other possessions, and became Florentine citizens in 1135. (*Florentine Journals of the year* 1774.)

1772 therefore, he very cautiously began with Volterra as the worst, and then gradually felt his way through the vicarship of San Giovanni until an edict of the twenty-third of May 1774 abrogated the whole system of existing laws throughout the contado and district of Florence and bestowed a common uniform constitution on the several communities, modified according to local circumstances, but without affecting either the principle or description of the general measure.

After dispersing the effete local magistracies of Gonfaloniers, Priors and Councils General in each Community, Podesteria and Vicariate, as mere shadows, Leopold substituted a chief magistracy, or as it was commonly called "*The Magistracy*," under a gonfalonier as president and many popular deputies in every community, with equal votes; also a new "*General Council*" for each, which consisted of those holding a seat in the *Magistracy* together with a certain number of deputies from every parish in each community. To the *Magistracy* all the former rights of gonfalonier and priors, called "*Residenti*," were transferred, with the exception of those given to the "*General Council*" *. The members of both these assemblies were to be elected annually, and could not be re-chosen under three years for the first, or for the last under one; nor was any man eligible if less than thirty years old. Their names were to be drawn in the usual manner from purses, one in each community for the *Magistracy* and one in each parish for the general council. The purse of the *Magistracy* contained a certain number of billets inscribed with the name of every possessor of real property in the community, of whatever value or nature, and of whatever rank or condition the proprietor might be. If these proprietors did not pay a florin, or about eighteen-pence English of direct imposts to the general contribution of the decima, or

* The *local* gonfaloniers here mentioned must not be confounded with the Great Florentine Gonfalonier of Justice, although exercising in miniature very similar functions.

a lira to the smaller tax called "*Decimina*," they became ineligible, but not exempt from local taxation. Charities, lay and religious associations, royal possessions, or any other body holding real property were to be represented by their own deputy: women also *who held independent possessions* were very justly included and might be elected too, with the privilege of acting by proxy, but still holding equal rights with men. Those purses intended for the "General Council," in addition to the above names were to contain that of every head of a family whether contadino, day-labourer, or artisan, without any exception, each on a separate billet, and the number to be annually drawn from these bags for both branches of local government was settled by a particular arrangement adapted to each community, but generally amounting to about ten representatives besides the gonfalonier, with perhaps thirty parochial deputies in addition, to constitute the general council.

The purses thus filled (with another containing names from which certain officers called "*Revisori*" hereafter to be mentioned were drawn) remained in charge of the gonfalonier and secretary of the communities, the latter a government officer, each having a separate key, and the extraction of names took place in presence of the *Magistracy* independent of any tribunal*. None could refuse service in either council under a penalty of 100 lire, but if such a number declined as to prevent their legal formation, then the drawing recommenced with second fines until the number became full. The chancellors or secretaries of communities were to have a seat and voice in every assembly of their district, and these latter were bound to accommodate

* These "*Cancellieri Comunitativi*," or Secretaries of Communities, were in fact agents and executive officers of the "*Nine*," and interfered in a multitude of local affairs while under that tribunal and the Chamber of Communities: they had the distribution also of all general taxes, elected magistrates and preachers, regulated the markets, superintended the roads, bridges, &c., administered the affairs of vacant benefices in the gift of the crown, and in short absorbed all, or nearly all, the power of the Communities subject to them before this reform took place.

their sessions to that officer's attendance at each: two-thirds of the members were sufficient to form "*a house*" and the same proportion of those present carried any question, as of old. The gonfalonier presided, and after him the other members according to seniority; but the local judge or governor might take the chair in the general assembly at the secretary's request when an extraordinary tax was to be imposed, in order to reduce the amount if too heavy, or if necessary stop proceedings by leaving the chair, as no extraordinary tax could be imposed without his sanction and presence; but unless invited by the secretary he could not attend these assemblies.

A number of vexatious taxes were simultaneously repealed and a single one called the "*Tax of Redemption*" substituted in each community; the latter were subject to no other general impost unless circumstances rendered some extraordinary state contribution necessary, when the gross share of each was to be previously made known and its distribution left entirely to themselves. The municipal rents of communities were destined to pay the redemption tax, with the help if necessary of a local rate on the peasantry and the artisans, or "*Testanti*," in common with proprietors: a permanent poll-tax was placed on the two former classes, but never to be augmented, notwithstanding any loss of revenue; and all that might still be required to meet the redemption tax fell without exception on the holders of real property alone.

The right of local taxation was vested in the "General Council" which if requisite could sink it lower than those poorer classes liable only to the "*Decimino:*" it was to be imposed in just proportions, parish by parish and farm by farm, according to the known means of each derived from the value of their soil; and the permanent poll-tax which had previously been one lira a head was now spread more widely but at a lower rate to relieve the peasantry; because in Leopold's opinion every regard was due to a class which exercised the greatest

influence on public happiness. All taxes were to be raised within the year, no loans to be made, and the annual accounts audited by the Chamber of Communities in order to secure incipient obedience and prudent administration from a people to whom self-government was new and temptation strong. Every arrear of taxation had to be paid up within a twelvemonth and could not be included in the next year's Budget. In the *District* not the Decima but the *Estimo* formed the general basis of taxation, and the peasantry were exempt from the *Testata* or Poll-tax, or any other burden on their industry.

Local taxation had been previously imposed by a simple order of the *Nine* or its successor the *Chamber of Communities*, without any regard to the people's ability, so that the importance of this change may be easily conceived; for its immediate distribution two men of reputed honesty and capacity were to be chosen by the "Magistracy" as deputies, to impose taxes in just proportions within a certain time. The form of election was first, an extraction of four names from the purse of representatives and then putting them repeatedly to the vote until two were approved of by two thirds of the "Magistracy:" these officers were to exhibit their plan of distribution in writing within a given time under a penalty of 20 lire a day until completed. The refusal to serve was punished by a fine of 100 lire for the benefit of the substitute; and to check these officers two others called *Revisori* or Revisers, were appointed under similar penalties whose duty was to take care that no mistakes or injustice were committed. The purse whence their names were drawn contained those of all the small proprietors who from not paying a sufficient sum in direct taxation were excluded, as already said, from the "Magistracy," though not exempt from contributions, which however they thus to a certain point controlled: they were moreover enjoined to see that no church property was omitted, and make an express declaration to that effect. After all necessary corrections a scale of taxation as approved by these officers was, to be pub-

lished by the judge or governor of each community, with ten per centum in addition to all those who happened to be in arrear. The secretary was bound to assist in the execution of these acts, and the books were always to be open for public inspection at the treasurer's office, copies being allowed if demanded. All the various purses were replenished at stated periods: the treasurer was drawn from that of the "Magistracy," whence three names were taken and put to the vote: his time of office was limited to three years, with a *Divieto* for six: superintendents of roads were similarly elected in lieu of an ancient officer called the "*Viario;*" but the salary, which could not be touched until the expiration of office, was voted by the General Council after an acquittance from the treasurer. This Council could authorize the superintendent to construct new roads and alter old ones; giving compensation where necessary; and an oppressive *Corvée* called the *Comandata* was now and for ever annihilated. The roads placed under charge of each community were clearly designated, and a host of contributions, for them, bridges, and other public works, before common to the whole vicariate, were now concentrated in the single tax of redemption. The number and salaries of public officers including a physician and surgeon were to be voted in General Council and the Grascia entirely suppressed, its few remaining duties devolving on the "Magistracy."

The power of excluding people who followed low trades from the "Magistracy" and council general, was conceded in compliance with ancient usage and public feeling; but only by virtue of a solemn protest against the individual's name when drawn, which preserved his right. All causes were to be decided in the first instance by the local judge with a privilege of appeal to the Chamber of Communities, except those between the Communities themselves, of which that tribunal alone had cognizance. Royal possessions were made subject to all these regulations in common with private property, and almost every exclusive privilege, immunity, or concession was revoked, some

few, relating to people with twelve children, and others of a like benevolent nature, being the only exceptions. The appointment of secretaries or chancellors of communities was reserved to the crown but with some slight check on the latter by the communities themselves; but the following may be given in illustration of one of these systems. The chancellor of *Sesto* and *Fiesole* comprised under him the Communities of Fiesole, Sesto, and Campi: the first contained thirty-seven parishes, the second twenty-four, and the third thirty-five: each community was represented by a gonfalonier and deputies or priors, and the general councils or assemblies by twenty, twenty-four, and twenty deputies respectively; so that ninety-six small parishes were locally represented and governed by ninety-seven men elected from almost every class down nearly to the most indigent of the people; and all this by an absolute monarch!

Besides the tax of redemption, which belonged to the state, all local expenses in several communities of the Florentine contado and district were comprised under the following heads, namely; fixed obligations, annual expenses, salaries, perquisites not abolished by the redemption tax; those charges usually known as alms, offerings, and such like; repairs of all but great post roads, and public buildings; expense of collecting the Decima and Estimo in the contado and district; local charities and all other expenses under the head of "*Spese Diverse*" or miscellaneous, which consisted of permanent and necessary charges not referable to any of the above heads.

One of the greatest benefits conferred on Tuscany by this law was the power conferred by a peremptory order of alienating lands belonging to communities and lay companies, with due provisions either for their sale or a perpetual and marketable lease called "*Livello*." Vast tracts of excellent ground had been for years allowed to lie waste, wherefore the new municipalities were commanded to receive in full assembly the offers of any per-

son of whatever rank or condition who wished to purchase; or else put the lands up to public auction: they were to be let at an annual rent and a fine on possession and alienation; a sort of heriot, under the name of "*Laudemio*." By the conditions attached to this contract of "*Allivellazione*" property continued for ever in the male line of each tenant, with remainder, in case of failure, to the last direct female descendant of the family for life: it could be sold, willed away or divided amongst several inheritors, the original rent being always legally considered as the first debt on such property. Before alienation the tenant was bound to give notice of his intention to the community in order that a new lease might be prepared similar in all except the *Laudemio*, which was now diminished three-fourths, or to three months' rent: if the estate either by failure of the direct line or other accident ever returned to the municipality the right of preëmption was directed to be reserved for the next heirs and kinsmen. The rent was to be publicly settled but subject to royal approbation, and made payable quarterly without deduction for any losses except an actual washing away of the soil, in which case a new valuation took place and the *Laudemio* or a portion of it returned, according to circumstances. Tenants were bound not to impoverish the soil; and in the event of reversion all buildings and other improvements remained for public benefit: they were also obliged every twenty-nine years to present the municipality with a pound of white wax, a full description of the property, and a declaration acknowledging it to be held by *Livello*, in order to prevent those misconceptions which time so frequently engenders. The lease was subject to forfeiture by being two years in arrear of rent, by the tenant's contracting debts on it equal to that amount, or by notably impoverishing the land; in all of which cases a public renunciation of the lease was to be enforced. The community also reserved its right of periodically visiting these possessions, and in order to insure punctual payment and exact compliance with every legal

condition all goods and chattels might if necessary be seized as pledges, or a sum be raised on their value by the tenant if the municipality required it.

Such are the principal features of a law which has so beneficially affected the grand duchy of Tuscany: a comparatively dense population of independent men now occupy vast tracts of land once deserted, and human dwellings tillage and comfort enliven those spots which for years had been abandoned to all the wildness of natural vegetation. It was nevertheless a despotic act: but as no despot could venture, nor did Leopold wish, to deprive public bodies, however unworthy and negligent, altogether of their property, the best thing both for the nation and themselves was to force them into beneficial exertion: despotism never pursued a more noble judicious and salutary course, for despotism we repeat is not always tyranny. Production revenue and freedom of action rapidly increased, and this single act emancipated vast portions of Tuscany from a slavish dependence on the crown. Yet Leopold still held the reins, indeed he could not immediately loose them; custom and supervision were for a while indispensable to the teaching of self-government, and the extension and consummation of all this liberty awaited his great and final object, the establishment of constitutional monarchy.

The regulations for cities varied from those of communities in the composition of their assemblies, but the principle was alike in all; that for Florence did not appear before 1781, and was probably deferred, according to Leopold's usual caution, until the good or bad working of smaller constituencies became manifest along with the amount and nature of their imperfections. The new metropolitan municipality was modelled from that of Pistoia and other cities on the same broad principle, namely; that the public or general interest of any community would on the whole be best administered by those who most sensibly felt the advantages of good government, and the contrary. Under the name of "*Florentine Community*" was com-

prised all within the walls and as far east and west as the two weirs on the river Arno above and below the town: it was to be represented by eleven priors and a gonfalonier as a permanent *Magistracy*, with twenty deputies in addition to form the *Council General*. Its constitution differed slightly from those of the contado and district but resembled that of other Tuscan cities, the members being drawn from three distinct purses: in the first were the names of all noblemen considered as heads of families; in the second the chiefs of those enjoying the rights and honours of citizenship; in the third the representatives of families possessing real property in the community to the amount of two florins of decima or 2000 crowns *. In this last purse were the names of convents, corporations, chapters, and institutions of charity, if coming within that sum; also those of citizens, ecclesiastics, and even nobles so taxed though already included in their own respective purses. Thus was formed the basis of the Florentine "Magistracy."

These three purses were consigned to the gonfalonier and chancellor with two distinct keys: every year four names were extracted from that of the nobles, the first drawn being made gonfalonier, and the other three, priors: from the second (that of the citizens) four more priors were taken; and from the third or two-florin purse, four other names were invested with the same dignity. The "General Council" had a particular purse containing the names of those in every rank and condition possessing real property liable to the decima, both above and under two florins: this was also placed in custody of the two aforesaid officers, twenty names being annually drawn from it for the General Council and the purse replenished. The right of being represented was here also accorded to women: no man could be gonfalonier or prior for two successive years, or be a second time chosen for the "General Council" under a lapse of three years. The Auditor of the Chamber of Commu-

* A florin of decima was real property of 1000 crowns value, and a tenth of its annual interest constituted that tax.

nities was to preside when extraordinary expenses were proposed, but with no vote, only having a *veto* against any tax he might consider too burdensome or of little public utility; none being valid without his sanction: nor was this community more than others permitted to begin any new law-suit as plaintiff without royal permission, saving only the privilege of vindicating its own acknowledged rights to property as yet legally unsettled: all its remaining regulations resemble those already described for the district and contado of Florence.

The broad and solid basis upon which this remarkable law laid the foundation of Tuscan liberty, an edifice that like the Florentine churches was never completed, is too striking as regards local and municipal advantages to admit a doubt of Leopold's final object having been full and perfect, but rational freedom for his subjects, even if the constitutional charter with his own autograph corrections were not still in existence. But he was always gradual and sometimes cautious even to timidity in his reforms however trifling: nearly everything was first tried on a small scale and with much previous reflection ere he ventured; his acts cannot be fairly measured by our own present experience, character, or native institutions, yet he acted with elephantine sagacity: he was himself exploring a new untrodden path and leading his benighted subjects through a wilderness; it behoved him therefore to reduce every obstacle to insignificance and disperse every chimera ere he ventured to unveil the eyes of a timid prejudiced and inexperienced people: he was cautiously proceeding on a dark and venturous journey, as yet unimagined by any modern prince, and contemplating an end alike glorious and benevolent. But he required time to develop all his plan and complete his purpose, and unfortunately for his fame this was denied him: nevertheless he established a reputation in Tuscany, which will not easily die, which few monarchs can equal, and none have ever surpassed.

CHAPTER VII.

FROM A.D. 1775 TO A.D. 1782.

PETER LEOPOLD THE FIRST,

GRAND DUKE OF TUSCANY.

THE tenth year of Peter Leopold's reign began with cheerful prospects: public burdens and public expenses had been lessened, the debt partially liquidated and its interest reduced, commerce and agriculture relieved, waste lands recovered and cultivated, desolation arrested in the Maremma, Tuscany secured from dearth, education promoted, learning and the fine arts encouraged, civil law reformed, religion fostered, the priesthood improved, morality promoted, and a broad foundation for civil and political liberty established. This was no common work, but much yet remained; and a continued narration of his labours is only necessary to show more clearly their nature multiplicity and vast extent, for his rigid notion of a monarch's duty and the true spirit of his rule must have been already appreciated by those who may have had patience to read the foregoing pages. The deep, artful, and harassing opposition to Leopold's ecclesiastical reforms, their painful progress and lamentable termination will be related in a separate chapter; but the obstacles to his other measures were scarcely less irritating; they succeeded better, because a greater mass of people, blind and bigoted in religion, had a far clearer vision for worldly interests; yet a malignant undercurrent kept secretly but constantly beating back the sovereign's

A.D. 1775.

labours and not unfrequently neutralizing his most strenuous exertions to augment public happiness and elevate the Tuscan character. When we ponder this herculean task, it seems wonderful that any single man by the pure force of a sound head and ardent spirit could have accomplished what this prince did even before he was eight-and-twenty years of age.

One of the first acts of this year was the establishment of daily and nightly patrols called "*Orioni*" in every quarter of Florence; a custom, which though not new either there or in other Italian towns, appears to have been forgotten by those who assert that it was now for the first time adopted in the Tuscan metropolis. The spirit and motives which dictated it were certainly new, namely prevention of crime rather than the apprehension of criminals and severe infliction of punishment: yet Leopold's punishments, though comparatively mild, were *certain*, which, as will hereafter be seen, was one of the strongest checks on delinquency. This preventive system may be traced through all his measures, and in the desire it generated for secret information of private actions often turned him from a more sound and generous as well as a more practical policy. He however applied the principle with great judgment by commanding that ere any proceedings commenced in provincial actions for damages, the defendant should appear in court, be informed of the charge and requested to relate every circumstance: on acknowledging the facts he was at once compelled to make reparation, but if he denied them or refused information, proceedings instantly commenced, and thus some heart-burning, litigation, and expense were prevented.

In this monarch's peaceful and frugal reign fortresses which had cost the Medici enormous sums and their subjects a load of oppression, were neglected dismantled or sold by public auction: Monte Carlo on the Lucchese frontier near Pescia, and San Martino on the river Santerno near the confines of Bologna, shared this fate; the former noted in the Senese

war under Piero Strozzi; the latter erected at a vast expense by Cosimo I.; but, like the traveller's cloak, both were now discarded through the genial influence of a mild government and public tranquillity. The game laws had only been partially assaulted by a suppression of sixteen royal "*Bandite*" or preserves in 1772; but this was now followed by a more vigorous blow at privileges which, besides their essential injustice, ruined the means and morals of many for the selfish gratification of a few, and were highly and universally pernicious. Eight more game preserves were now opened to public amusement and the relief of agriculture; and after thus sacrificing twenty-four royal parks on the altar of justice Leopold could afford to strike the harder at those more numerous dens belonging to noble families who had once shared in all the noxious bounty of the Medici. Twenty-five additional nests of agrarian desolation were thus annihilated, but still he proceeded cautiously even in the removal of these notorious evils; and although his delay in disparking all the royal preserves is not clearly accounted for, it may well be supposed that their injury to farmers had been already arrested. He still however left untouched some feudal rights belonging to crown vassals, not with any idea of letting them long enjoy that objectionable authority, but merely recoiling for a more vigorous spring at all seigneurial power, all barbarous laws, and every remnant of Medician vanity. The Grand Duke's unrelaxing vigilance led him on the twenty-third of March 1776 to strike another blow at the chace; wherefore a third edict reduced all royal preserves to the moderate limits of four villas in the neighbourhood of Florence, namely the *Poggio Imperiale*, the *Cascine dell' Isola*, *Cerretto Guidi* and *Monte Vetturini*; the limits of which were clearly defined; because uncertainty on this point had ever been a source of great and universal vexation: these were made coverts for small game only which did little comparative mischief, every other neighbourhood being de-

livered, as regarded crown property, from the monstrous tyranny of cruel and heartless game-laws: Leopold's reasons as he himself expresses them, were to prevent the arbitrary conduct of gamekeepers, the vexations and prosecutions occasioned by such powers and privileges, and to liberate proprietors and cultivators from a bondage so injurious to agriculture and their own personal welfare. Our ancient forest-laws and our existing game-laws afford sufficient proof of the moral and physical evils generated from an undue pursuit of law-protected amusements, which as it were fracture the rights and happiness of multitudes while they tempt the more resolute sufferers to snap every legal tie adverse to the existing temptation or necessity, and to snap them without any moral consciousness of wrong: the law is unjust, the poacher feels it to be so, and his only thought is how to break it with impunity. This passion for field-sports, which does not appear to have much influenced the ancient Romans, was brought into Italy by the Franks and Lombards whose laws are full of it: the Republican Florentines however seem to have paid little attention to such pastimes, probably because they were too much absorbed in commerce politics and sedition, and in the Florentine statute it is said to be scarcely alluded to: the Medician princes were the first to encourage it even to folly, and none followed the chase more keenly than Cosimo I. even before he mounted the throne. From him downwards we find a constant accumulation of tyrannical laws on that indurating subject: amongst these princes, from the days of Francis I. to those of Ferdinand II. field-sports were carried to a terrible perfection: the number of salaried huntsmen belonging to noble Tuscan families was so great as to form a series of distinct corps, gallantly led, and rivals in skill, daring, and long endurance of fatigue: they defied each other to bring the wildest beasts of prey from African deserts to be hunted in Tuscan forests by gallant bands of royal and noble sportsmen, under the fantastical names of the "*Pia-*

cevoli," "*Piatelli*," "*Disperati*," "*Risoluti*" and so forth. The first of these was once splendidly entertained in celebration of its sylvan exploits by Ferdinand II.: their dresses were graceful, their spirit high; their quarry deer, goats, stags, wild boars, wolves, and bears; and their woodland feats exercised the pens if not the genius of some celebrated cotemporary poets both in Latin and Italian verse; nor did Redi, Baldovini, Chiabrera, and others disdain to sing the laws, the deeds, the skill, and prowess of the Tuscan hunters. Saint Hubert's church called "*Sorhumido*," near the Porta Romana was their favourite temple; probably because the miraculous influence of his stole had been imparted to the nail upon which it once hung, the latter, in guise of a hunting horn, having been preserved in this sanctuary for the adoration of his sylvan followers, and as a sure antidote to hydrophobia. It was a melancholy consequence of this passion for wild sports, that perhaps no subject in the minute and oppressive code of Medician legislation is more frequently or rigorously handled: the "Bandite" were so extensive and numerous that a vast breadth of country both land and water was "*tabooed*," for the pastime of the prince, his nobles, and his favourites. Cosimo the Second's law of the sixth of June 1618 is sufficient to show the nature of one of the mildest of Medician princes when blinded by these selfish sports! It explains and consolidates all previous acts for regulating the chase in his "*most happy states*," and was made "*according to the taste and for the pleasure of his most serene highness and his predecessors, and for the benefit of his citizens and vassals, in order that they might know the places in which they were allowed to amuse themselves in such honest and worthy diversions*." Then follows a description of about three-and-twenty extensive districts surrounding royal and private parks which were declared as inviolable as the parks themselves, to all but privileged hunters: amongst these the *whole Contado of Florence* was included by

Cosimo I. in 1549, only nineteen years after the republic's fall; when he wanted to break the Florentine spirit and reduce everything to the character of an aristocracy depending on absolute monarchy *.

Under the republic sporting was free to all, but Cosimo I. began the system of *Bandite* to please the great crown-vassals, and afterwards granted this privilege to almost any wealthy landowner that requested it. In the above mentioned law there are numerous regulations about the arms allowed for sporting and the animals for hunting; but the game reserved by it for *Bandite* consisted of hogs, goats, deer, stags, hares, quails, pheasants, partridges, heath-cocks and pigeons, of which the hog the stag and the deer were by Cosimo I. suffered to be snared on cultivated ground by the proprietors even within the privileged boundary; but dogs guns and crossbows were rigidly forbidden. In the law of 1618 there is a list of no less than six-and-thirty lakes rivers and canals, in none of which between certain limits were any but the favoured owners allowed to look at the scaly tribe, and scarcely suffered to cast a furtive glance even on those objects reflected in the waters! A variety of minute instructions were likewise exhibited about the manner and proper seasons of fishing the few unprivileged pools still left unfettered in these "most happy states;" but for the eight first-mentioned royal *Bandite* enumerated in these laws, a penalty of 50 golden crowns and two strokes of the cord † with the forfeiture of the arquebuse,

* Cantini, Legge del Granducato, Law February 4th, 1549.

† The "*Tratto di Corda*," "*Collo*," or simply "*Corda*," was a species of torture commonly used in Florence under the republic and monarchy: it was very severe, though now so completely forgotten that I never met any person who could give me a comprehensible description of its precise mode of application. I have translated it "*Strokes of the Cord*," but it was not flagellation: the dictionary defines it as a "*Sorta di Pena che si dà a' rei, col lasciar scorrere senza punto di ritegno quello che è legato alla fune.*" This is not very clear, but the principle, as far as I have been able to learn, was that of attaching a rope to the wrists, with the arms raised together above the head, and after hoisting the victim to a certain height, according as

was incurred by any man so audacious as to discharge a single shot within the sacred confines; and whoever was found in possession of nets and other sporting implements in these limits, which always extended for miles over private property, was visited by two applications of the cord and a fine of 25 golden crowns: those also who dared to kill, shoot at, or hunt an animal within such bounds, if he were a citizen eligible to state offices, incurred a fine of 100 golden crowns and three years' incarceration in the *Stinche* prison, besides what further punishment the judges might think expedient to inflict. People of inferior rank were made galley-slaves for the same period but still subject to all the rest of this rigorous punishment. For those who chased, or fired, or shot with a crossbow at animals not prohibited but within the forbidden line, a penalty of 50 crowns and two applications of the cord were forthcoming; and whoever shot at interdicted animals with a crossbow, or killed them in any way even without chasing, received two strokes of the cord, was fined 50 crowns, and afterwards condemned to the galleys, if it so pleased the judge to sentence him. These examples are sufficient to prove how hard and implacable was the spirit of Medician law about matters of mere amusement; and all this odious legislation remained in force until after more than two centuries of existence when Peter Leopold tardily expunged them from the statute book.

Previous to this he discovered that notwithstanding all his orders the landowners in the vicinity of the "*Barco Reale*" or royal park of Artimino, were still worried by underlings who attempted to enforce the ancient laws against felling timber in the neighbouring woodlands at shorter periods than five years and then only by official leave, to the great injury of agriculture and vexatious meddling with private rights. As a remedy

more or less severity was required, letting him fall with a sudden jerk. The antique chain still hanging at the corner of the "*Bargello's*" prison at Florence was once used for this punishment.

he published a decree which abolished every such restriction, and by a similar mandate of the fourteenth of August he partially extended this liberty to the owners of chesnut forests in the mountain of Pistoia; they were now for the first time permitted to clear away the suckers from the bolls of trees, to prune them, cut underwood, and manage their own property without any government interference provided it was not less than six hundred feet from the summit of the hills; but to keep the earth from being washed away by heavy rains the decree against breaking up any land for tillage within a mile of every mountain top was still continued. These apparently little acts of legislative reform are only mentioned as more minutely exhibiting the entangled state of all Tuscan industry and the continual dissection of petty torments which occupied the leisure hours of Leopold, each separately small and overlaying each other like fish-scales, but not insignificant, and composing a fearful whole.

Up to this period the Grand Duke seems not to have relinquished his idea of maintaining the small but apparently efficient marine under Acton, who principally directed it according to a new code of naval instructions about this time promulgated. Soon after his affair with the Sallee squadron he was ordered to receive on board a small body of troops and join the great Spanish armament then preparing by Charles III. against Algiers: this expedition was commanded by O' Riley governor of Cadiz, but so unskilfully that a combined force of three hundred sail and twenty-two thousand troops failed in its object and was compelled to retire with loss. Acton whose squadron drew but little water ran close in shore and did good service, both in battle and by subsequently covering the retreat, which after about eight hours' exposure to a heavy fire and the loss of several thousand men was made in confusion. The Tuscan squadron however returned with fresh laurels to Leghorn, and its commander amidst universal applause received an honorary distinction from the Spanish monarch, but resigned his command

almost immediately. The real occasion of this is not apparent, but his integrity for some time before seems to have been doubted by Leopold as regarded the financial administration of the navy, and the secret machinations of his enemy Celotti appear to have unfairly accomplished Acton's disgrace. Celotti was a man of infamous character who insinuated himself into the Grand Duke's favour: he had filled the post of "Bargello" or chief of police at Leghorn and was just before this occurrence promoted to the same office at Florence. For a while he gained great and undeserved favour with Leopold, but public opinion and a final perception of his real character ultimately caused his dismissal; not however without such a connexion leaving a stain upon the sovereign's character and popularity. This man pretended to have detected great irregularity and even public peculation in Acton's conduct which he endeavoured to prove by the testimony of one Paulo Lucatelli a naval surgeon; but however this might have been, the former resigned, ostensibly from bad health, and Leopold not very long after abolished the whole naval establishment of Tuscany. Acton then retired to Naples and acquired an influence at that court which afterwards became too conspicuous to be easily forgotten in European history.

Convinced that public prosperity demanded entire liberty of trade in native produce because an undisputed right over the latter was the source of national wealth and national comfort, Leopold by an edict of October 1775 suppressed every existing monopoly in any way connected with the tanning trade: previously butchers were forbidden to sell their hides except to tanners, and therefore at an arbitrary price; and internal commerce was still more animated by a further reduction of local and territorial duties, a repeal of every tax on the importation of hides, and the abrogation of many consequent regulations which increased that complicated net-work so ingeniously woven to entangle every step of national industry under the Medici.

The laws of pasturage, which however were not exclusively Medician, exhibit another pile of unwholesome regulations that even Leopold himself assisted in erecting; but struck by some able petitions on the subject he made closer inquiries and soon discovered the great mischief arising here as elsewhere from bad legislation, more especially from a proclamation of 1692 renewed with additions in 1721, but afterwards modified; which forbid any proprietor to pasture small cattle within fourteen miles of the capital during the spring, autumn, and winter months; also from an order for each landowner within five miles of Florence to give an account of what small cattle he fed upon his own property during the year, besides other vexatious obligations, and finishing by a law of Leopold himself published in 1768 forbidding any proprietor to pasture sheep, even on his own land, near the capital. This law which revoked some relaxations of that in 1721 has been before noticed as an indication of incipient improvement, and it probably was so; but the real evil was vexatious meddling, and Leopold now began to see that such interference was inconsistent with sound policy and adverse to his own maxims, because it invaded those sacred rights of individuals which he so strenuously maintained as the true basis of public prosperity *.

An edict accordingly appeared in October 1775 which in repealing his own and seven other prohibitory laws left every landowner free to graze what cattle he pleased, with the single exception of goats, and thus Leopold opened another field to the course of agriculture †. In August 1775 the destruction of all remaining ties on the provision trade was completed by abolishing the Annona itself after an existence under various names from beyond all historical records; and thus after nine

* This must greatly depend on the *nature* of these rights, how they are used, and the owner's capability of *broadly* comprehending what is really his interest, a knowledge not vouchsafed to all, and still less the knowledge of their neighbours' interest.

† All the laws here quoted may be seen in *Cantini's* collection of "*Leggi del Granducato*," and a scarcer but far from complete collection, called the "*Legge e Bandi di Toscana.*"

years of progressive labour this vital branch of commerce was emancipated; a great change from 1556 when Cosimo I. declared that the dealers in corn, flour, or grain of any sort including chesnut-meal, were "*blood-suckers of the poor*," and forbid them to follow their trade under severe penalties as tending to raise the price of bread! But in despite of this the trade continued, and although in 1563 penalties were renewed against its supposed dishonesty, no legislation could stop what was essential to human life, wherefore licenses were adopted. The free sale of bread and corn had now given a strong impulse to agriculture, had secured a perennial supply of food for man and beast, and reduced every kind of sustenance to its natural price by the mere influence of fair competition and unfettered intercourse. Long experience had convinced the Sovereign and all reflecting men, not only of the futility but *positive mischief of government's tampering with trade*, while the beneficial effects of a contrary system were demonstrated, more especially during a few years of bad harvests in which want was unknown in Tuscany. Therefore it was that Leopold abolished or reduced the Annona to a simple account-office and transferred its authority over provision-dealers, to the tribunal of the "Eight" and other ordinary courts of justice *: two restrictions still remained, one, for the easier detection of fraud, which made a license necessary to sell bread composed of any other grain than wheat; the other, a supervision of retail oil-shops to protect poor people against exaction in those obscure and distant hamlets which were too small for fair competition. With certain trifling and almost nominal duties, this law permitted the import and export of rice, cattle, linseed, butter, cheese, honey, hay, straw, beetroot, and other vegetables; besides charcoal, firewood, and every sort of timber. Amongst a variety of petty nuisances now abated, was the compulsory weighing of cocoons

* It is singular that the first deputy of the new Annona, which consummated the downfall of the restrictive Medician system, was Ottaviano de' Medici, who had, *ex officio*, to superintend the execution of this decree.

by the peasantry at the silk-trade steel-yard in Florence; with some duties on nails, and even on ice, simultaneously abolished. To perpetuate the memory of so important a step towards commercial freedom when no other European nation enjoyed such liberty, a society of zealous and enlightened gentlemen had a medal struck and presented to Leopold by the counsellor of state Angelo Tavanti on the first of January 1776. On one side was the royal head; on the reverse a figure of Abundance in the act of burning the ancient restrictive statute-books: at her feet was a *Moggio* or corn-measure of antique make, containing a bunch of wheat and surrounded by the motto "*Libertate frumentaria restituta Opes auctae.*" And on the exergue "*Principi providentissimo* MDCCLXXV."

But amidst all this dry legislation Leopold was not unmindful of the fine arts and sciences, or the cultivation of taste. After failing to sell Pratolini, he was blamed, perhaps justly, for destroying Bianca Capello's celebrated hydraulic fancy works at that villa, a then unenjoyed, though not unenjoyable luxury; of vast expense, but still curious as a specimen both of wonderful mechanical genius and a relic of antiquity. He enlarged the villas of Poggio Imperiale, Castello, Petraia, Ambrogiana and Poggio-a-Caiano, besides the palaces of Pisa and Leghorn. He also bought the property once belonging to an extinct branch of the Torregiani family contiguous to the royal Boboli Gardens and there erected an observatory, which with instruments from London and Paris was placed under the care of Abate Fontana and Adamo Fabbroni. In the lower apartment of this building was formed a great museum of natural history and the celebrated waxen anatomical figures, all of which were thrown freely and constantly open to the public*, as were the

* However singular the delicate execution of these wax-works may appear, they are fully equalled, if not surpassed, by those in Guy's Hospital of London, so beautifully executed by Mr. J. Towne. In this museum those preparations exhibiting the *healthy* anatomy of man seem more true to nature in their colouring, and are less disgusting than those of Florence; but

royal gallery, that of the Pitti palace, and the mausoleum of San Lorenzo all with a strict prohibition against demanding or accepting fees, which was subsequently extended to porters and inferior officers in law-courts, servants of judges, or any other person connected with public establishments, which Leopold considered as common property, therefore justly and legally open to the public whose money supported them.

His sale of the ancient villa of Careggi was in more questionable taste: it had been the rural abode of the elder and better Medici, the bower in which Cosimo and Lorenzo welcomed talent philosophy and wit; where the former collected some of the last remnants of Attic learning; and where Ficini, Calcondoli and other illustrious fugitives sought shelter from Byzantine ruin. It was the first seat of the famed Platonic Academy; its halls once rang to the eloquence of Mirandola, echoed the harmony of Politian, and imparted new spirit to Florentine literature. It was there that the boy Buonarruoti gave earnest of his future glory, and there too did Savonarola refuse absolution to the dying Lorenzo, when true to his grasping character and clinging in death to the favourite passion of his life, his last breath was a stern denial of Florentine liberty. The gardens and magic fountains of Pratolino might also have been spared as examples of antique splendour, of bygone manners, and Buontalenti's genius; if not as the bowers of the singular and fascinating Bianca; or perhaps as the original subject of Ariosto's Muse when singing of Alcina and her love-enchanted gardens. Nor is it impossible that even Tasso might have admired their sylvan shades when suddenly appearing like a spirit

they are as yet comparatively few. The museum of *morbid* anatomy is more extensive, more difficult, and more melancholy. Executed as it is with all the terrors of truth, this "*painful family of death*" reads a striking moral lesson! The Florentine museum has no representations of morbid anatomy. Mr. Towne like many other men of genius is suffering from over-work and disinterested enthusiasm. "The sword is wearing out the scabbard."

in the midst of those Florentines whom he had no reason to esteem, he reverenced the master wizard of their revels, thus realizing some of the most beautiful scenes of his own poetical fancy! *

Nor was the ancient Medician wardrobe, which had long reposed in idle splendour, more spared by the stern frugality of Leopold; yet he only restored to the people those treasures which had been one great source of their ruin; and to supply the extraordinary expenses of reform without new loans or taxes, he, regardless of clamour, resolved to make better use of them, together with the extensive armouries of Tuscany; leaving only what was applicable to existing times and manners. Almost every royal residence had its peculiar wardrobe independent of the great magazine of Medician splendour in Florence, and nearly all were now exposed to public sale. Velvets, damasks, golden embroideries, chairs and mirror-frames of massive silver, gold brocades, rich lace, fringes, and costly silken fabrics, were either sold to the public or condemned to the crucible. John Gaston's state bed, embroidered throughout with a profusion of beautiful pearls and other gems, was picked to pieces, and many

* One of Tasso's works, supposed to be the *Aminta*, had been represented in the grand-ducal theatre at Florence with marvellous accompaniments of scenery and machinery by Bernardo Buontalento, whose fame rang throughout Italy. One fine morning, after this pastoral had been several times repeated, as Bernardo was returning to his house in *Via Maggia*, at the corner of *Via Marsili*, he saw near his door a well-dressed gentleman of venerable aspect dismount and approach him. Buontalenti paused, and the stranger thus addressed him, "*Are you that Bernardo Buontalenti about whom so much is said on account of the wonderful creations that your genius every day sends forth, and more especially for that stupendous machinery in the representation of Tasso's drama?*" "*I am B. Buontalenti,*" replied he, "*but not all that your kindness and courtesy would make me.*" The stranger with a smile embraced him, and kissing his forehead said, "*You are B. Buontalenti, and I am Torquato Tasso. Farewell, farewell my friend, farewell,*" and without giving him time to recover from his confusion remounted and rode briskly off. Bernardo almost immediately related this to the Grand Duke, who wishing to honour the poet, ordered all Florence to be searched, but in vain. Tasso was no more to be seen. (Vide *Baldinucci, Decennali*, tomo vii., p. 46.)

exquisite works in jewellery and precious metals, the symbols of Medician taste and magnificence were all, as is averred by the Grand Duke's detractors, broken up or otherwise disposed of, to the amount of half a million of crowns; but still for the sole benefit of a people from whose ancestors all had been tyrannically wrung. This sale continued periodically for ten years, and though ever unpopular, it is unlikely that any really precious specimens of art, *as such*, were destroyed by a prince who spent large sums on the national collections; besides all this wealth was applied to far more useful purpose. When a piece of architecture is to be demolished, however great the original artist's genius, it may be done with impunity; because mere science and mechanism can replace it; stone for stone, frieze for frieze, and column for column, precisely as before: but if a picture, a gem, or a statue be destroyed the author's spirit dies with it, the stamp of genius is broken, and there is no Promethean heat to re-enlighten it. Saint Peter's may be ruined and rebuilt, but the glory that shone in Christ's Transfiguration when fresh from Raphael's hands is lost for ever*! There is one charge, amongst many others by a malevolent author who writes expressly to vituperate Leopold, of his having sold a brass cannon in the fortress of San Giovanni, the work of Michael Angelo Buonarruoti†: this piece, too large for modern use and weighing twenty-seven thousand pounds troy, was denominated "*Saint Paul*" because the brazen head of that apostle composed the cascabel. It had been left there by the Medici as a curious object of art, and Leopold, preserving the head, is said to have sold all the rest: this was a pity! Yet such trifles weigh lightly in the balance of public happi-

* Vasari tells us that even in his latter days this picture had totally changed from its pristine beauty and had become black, and this I think he attributes to the original *black ground* on which it was painted; a defect also common to those of the Carracci and others of the Bologna school.

† "*Vita privata di Leopoldo*," p. 115, anonymous, but written by the *Abbate Beccattini*, who was banished for swindling by Leopold about the same time with Celotti and some others.—A mere Thersites.

ness, which was the converging point of everything undertaken by that beneficent prince.

The abolition of trade-corporations having produced good effects in Florence was extended in 1776 to Prato and Arezzo under regulations similar to those of the capital; the general wool-trade was also lightened of some remaining impediments to its free import and circulation, the export of native produce being allowed at a trifling duty, but the foreign manufactured article remaining liable in certain forms to a heavy tax; in others one uniform duty took the place of many small vexations which had equally affected its transit and permanent importation *. About the same time, and with all that inconsistency which so often leads us to monopolize some pet crime for our own particular usage while we denounce it generally in others, was published a severe edict against betting and every other sort of gambling, *except in the Lottery;* which in Tuscany is now and must also then have been the most extensively pernicious of all; yet it was maintained, notwithstanding its demoralizing nature, as a source of revenue which reflects no credit on the Grand Duke Leopold's consistency †. A.D. 1776.

The relief already felt by woodland proprietors had convinced him that the preservation of their trees was a subject of more interest to them than to government, and that all the laws against cutting timber were so many impediments to public prosperity, so many usurpations of private right, and a constant source of persecution to the negligent: wherefore almost universal liberty on this point was immediately proclaimed,

* The common Tuscan name for these foreign cloths was "*Pannine*," and under it were comprised all stuffs woven with wool or goat's-hair, although mixed with silk, hemp, cotton, or any other material; but it would appear as if the lighter fabrics of pure wool did not come under this denomination.

† Having been one day told with some dismay by his minister that a certain young man had gained an immense sum in the lottery. "*What sort of a character is he?*" demanded Leopold. "*Oh a careless spendthrift,*" was the answer. "*Then it don't signify,*" rejoined the prince, "*we shall soon have it all back again.*"

only excepting some particular spots which for financial reasons he was then unable to include. Amongst these were the woods which surrounded the *Magona* or iron foundries; where some vexations were still allowed to remain, also the restrictions about mountain tops; and for the sake of revenue no exportation was yet suffered without a license.

Turning from the rich man's relief to the poor man's comfort, Leopold made a regulation of great public and private convenience in Florence, a regulation which besides its charitable uses tended to disperse ignorance and maintain that innate sense of delicacy which it is of the highest moral importance to uphold, and with common attention happily the most difficult to destroy. Besides a donation of about six lire or about four shillings to every indigent woman during her confinement; he appointed a midwife to each quarter of Florence for the purpose of attending gratuitously on all poor persons at their own houses, both in childbed and every other illness connected with it; and for greater security a surgeon also was established in each quarter to give assistance gratis whenever called upon by patient or midwife: to instruct the latter and others, a medical lecturer was appointed, who gave two discourses weekly for male practitioners and a private lecture for any females willing to attend: the consequence was, and still is, the existence of a very superior class of "*Levatrici*" or midwives in Florence. Those of two quarters were allowed to have a certain number of young women from the country as apprentices for the purpose of securing experienced female practitioners in the provinces; they were supplied with food, clothes and lodging by government, and were bound to attend the public lectures and assist their mistresses at every confinement. This institution is still carefully maintained, so that except by foreigners the accoucheur is but rarely called for in Florence; but the Levatrici are always bound, whatever may be their knowledge and reputation, to call in a professional man on the slightest apprehension of danger.

After a second revision of the civil law courts, the "*Captains of Bigallo*" and the "*Conservators of San Bonifazio's*," objectionable administration of various charities occasioned the suppression of those establishments and the concentration of their powers in one responsible officer with lay and ecclesiastical assistants, appointed by the Prince and the Archbishop of Florence: Leghorn which had retained many abuses and a peculiar government, now shared the general reform; amongst other things no less than three companies of public porters were disbanded and the people allowed to employ whom they pleased; but as an illustration of these abuses it will be sufficient to mention that besides the obligation of employing public porters on the commonest errand, the inhabitants were now for the first time permitted *to dress fish or sell it cooked without a special license* *!

The service due from Contadini to secure their own share of farm produce from landlords was at this moment extremely burdensome, and debts were frequently contracted which gave the latter an unjust and damaging ascendancy: much money of this sort due to Leopold from his Contadini at the villa of Lappeggi he now remitted; entirely exonerating them from all future service and compacts of any description beyond the custody and cultivation of the soil, for which they had their just remuneration. Such a boon was hailed in the most joyful manner and celebrated by public thanksgiving in the parish church: the place is obscure, the circumstance private and trifling; but the enthusiasm it created is a strong proof of the misery it swept away as well as the general amelioration of the Tuscan peasantry's condition which it introduced! It was a small but vivid fact; pure, sound, and brilliant; and threw its radiance cheerfully across the land. Nor did much time elapse ere it was followed by another in the same spirit, but with more than public justice, namely the remission of full three fourths of

* Edict, June 10, 1776.

a debt due from Cortona to the supreme government: this was given up on the just, but scarcely practicable principle, that an innocent living generation should not suffer for the culpability of their deceased progenitors, as previous mal-administration had caused the debt! This is a species of good seldom contemplated, and still more seldom arrived at by governments; but involving an important principle, which if it were *prospectively* applied might generate some beneficial changes in the moral and political condition of man. As another illustrative example of the same nature in public boards, and their artful mode of working back on their own self-interests, we may here add that in restoring to Pistoian land-owners their self-government of canals drains and rivers, amongst the abolished taxes there was one of five per cent. over and above the expense of actual work, which the commissioners had been in the habit of levying as a remuneration for operations ordered by themselves without even consulting the neighbouring proprietors *.

In 1776 Leopold extended to Pisa the benefits of that municipal self-government which had worked so well and smoothly in other places, by issuing a series of regulations adapted to its peculiar habits privileges and other local circumstances. Three gonfaloniers and three priors were nominated to compose the "Magistracy," all other regulations deviating as little as possible from the ancient habits and prejudices of this once-powerful state. Three purses were formed for the city; the first or gonfaloniers', contained the names of those nobles acknowledged by the law of 1750. The second or priors' purse, received the names of all men whether nobles, or others, owning real property to the value of 666 crowns, and paying from it a certain amount of Estimo. The three first names drawn from the former became gonfaloniers for a year, and to preserve an ancient office called the "*Preposta*" they were to enjoy that dignity in turn every month, as chairman of the "Magistracy." From the latter,

* Edict, 25th June, 1776.

three priors were in like manner taken, and together with the gonfaloniers constituted the "*Representatives and Magistracy*" of Pisa. In a third purse, called that of the "*New Colleagues*," were the names of every citizen of every rank whose family had ever been entitled to public office: from this only six names were to be annually drawn to assist the "Magistracy" in processions and other public functions, an office of mere honour without vote or influence, and substantially unconnected with the new magistrature except as a state decoration. To the "Magistracy" was consigned the whole financial administration, but the public rights prerogatives and character were supposed to be contained in the union of gonfaloniers, priors, and colleagues. The jurisdiction previously exercised by preposta and priors was transferred to the new executive and representative body, twelve ancient officers with many subordinate places being suppressed.

From this may be inferred that the new municipal government of Pisa was anything but popular or democratic, except for those families which had been or then were citizens; and that it was differently constituted from others, probably from a politic respect to ancient customs and all those native attachments so dear to a proud and conquered people, which as it were deck the grave of their national independence and departed glory! A three months' residence at Vienna whence Leopold returned in October slackened for a season the full tide of improvement that had been flowing so steadily for eleven years; but it soon returned, and the debt of Cortona led him to a closer scrutiny into every financial transaction of the communities with government, together with their local expenses, which between novelty inexperience and a due proportion of knavery, always required a certain degree of incipient control from higher powers. About this time also the supreme court of Florence was reformed and its judges increased to three, with permanent salaries; their duties were clearly defined and their court weeded by a second

and more effectual abolition of fees and perquisites: they were now to sit for the decision of causes alone while the secretary executed all other business, so that no excuse remained for delay and uncertainty in the expense and forms of justice.

The mountain and district of Pistoia had been for ages subject to a variety of fretting taxation and oppressions which according to the edict of March 1776 were "*prejudicial to industry and subversive of private rights*," for this was always the bent of Medician law, and under the names of "*Guami*," "*Ruspo*," "*Rumo*," a sharp cattle-duty, and other denominations, galled them at every turn and consumed their very substance. Moreover the "*Chamber of Pistoia*," a mere instrument of royal oppression, had not only the privilege of exacting certain services from both landlords and peasantry but also of grazing its cattle in the woods and grounds of private persons, besides a right to seize for their own use every second crop of grass from the oppressed proprietors! Added to these was a poll-tax on every family in the district called the "*Cortine*" of Pistoia, besides a complete monopoly of the cheese market. One result was an accumulating debt to the royal chamber on all the above accounts as well as on the salt and contract duties, which poverty made impossible to pay. For centuries this burden weighed heavy on the people; the whole population trembled before this formidable "Chamber," until Austrian justice restored that romantic region to the freshness of pristine liberty! Nor was Leopold content until every acre of the royal chamber was sold, or let on a perpetual lease with the usual conditions.

The people of that district are not even now wealthy, but there is an industrious comfortable and contented appearance amongst them, which being coupled with the natural scenery of the hills, can scarcely fail to strike the imagination of visitors, and the pure Italian spoken by every peasant is pleasing and remarkable. Such were the freshening showers that Leopold

strove to pour from time to time on every portion of his dominions, slowly, softly, and perhaps tardily at times, but ever surely; and his efforts will be appreciated by all who admire integrity and benevolence in high places, or sympathize with an oppressed and suffering people.

The year 1777 commenced by a law to prevent interment or any surgical operation on a human body until twenty hours after death; and whether at the family residence or in one of those oratories provided for this purpose it was to be secured in its natural position with every means for resuscitation; a constant watch was to be kept over it, frequent visits were to be made by the priest, and the string of an alarm bell was to be placed in the dead man's hand. From such regulations Leopold's mind made a natural and somewhat anxious transition to the precautions against disease, by reforming the whole quarantine department with the least public expense and inconvenience: he first paid from the public treasury a debt of near 50,000 crowns which in eleven years had been contracted by the health-office, and must otherwise have been levied on the communities with corresponding hardship; and then, after leaving the cost of all partial measures to those districts for whose interests they were undertaken, he charged government with the general expense and administration, and simplified with greater efficiency a costly, vexatious, and almost useless establishment. The same noxious influence which affected every object of Medician legislation, tainted as well the fish of the sea as the birds of the air and beasts of the field, the soil, the trees, the herbage, and all the numerous blessings which a bountiful Creator bestows on human industry; but Leopold who was now exclusively considering the first, by an edict of January 1777, commanded that, with some trifling exceptions, the whole fishing trade of Leghorn should be liberated from that city to the mouth of the river Serchio: afterwards purchasing the island of *Gorgona* from the monks of Certosa near Pisa he A.D. 1777.

published a law in March to encourage a settlement of fishermen there with considerable privileges, and the almost unnecessary obligation of sending their cured anchovies to the Leghorn market. This opened new prospects to the Tuscan fishers, and was accompanied by a suppression of some market tolls and other small demands on the oil trade, trifling in themselves but vexatious beyond measure in their operation. The load itself says a Tuscan writer may often be borne if properly placed, but when the loaders also mount it soon becomes too heavy to bear.

On the twenty-sixth of May 1777 appeared one of those preparatory edicts which preceded the great reform in criminal legislation: the ancient court of the "*Otto di Guardia e Balia*" after an existence of four hundred and two years was at length suppressed and a "Supreme Tribunal of Justice" substituted, where the criminal jurisdiction of all other metropolitan courts was concentrated *. It consisted of the Auditor Fiscal and three assessors with a chief and assistant secretary; was divided into three departments each directed by a secretary under-secretary and a coadjutor, and was invested with all the power of the "*Eight*" not otherwise disposed of; but it was reduced to a simpler form, relieved from a number of extraordinary and contingent duties, and became the only criminal court in Florence. This in some manner led to a reform of the whole metropolitan police, and the placing of each quarter under a commissary with peremptory and extensive jurisdiction: these officers had the royal arms over their door, could arrest any person on the instant for disobedience of orders or disrespect to their person, but were compelled to bring offenders instantly before the supreme court of justice and state their reasons for the arrest. Each military post and officer was bound to assist them if called upon, and people of every rank were to obey: all persons arrested, except by the supreme court's order, were brought before them to legalize the capture, or eventual release; they

* Forti, "Foro Fiorentino," MS., Magliabechiana.

could peremptorily decide civil causes up to 100 lire; but if too intricate, referred them to the Auditor Fiscal who either compromised or absolutely decided each case without a law-suit. There was no appeal from either of these decisions unless the sum exceeded 50 lire, and instant obedience was required. Criminal cases of small consequence also came under the commissaries' jurisdiction; such as injurious actions or expressions, trifling wounds, for which there were penalties not exceeding 100 lire; but an important branch of their duty was to watch over public morals especially amongst the young; these were to be advised, admonished and their parents informed of their conduct: the latter, and also parish priests, could legally apply to the commissaries for assistance in all domestic quarrels, and this they were bound to afford gratis: the six "*Orioni*" or "*Rioni*" were abolished, and four executive officers of justice created under the title of "*Capo Squadre*" with their posse, who directed by the *Bargello* or chief of police, were always on duty but forbidden to accept fees in any form. Besides these there were a separate inspector and deputy inspector of police entirely depending on the Auditor Fiscal: their duty was to superintend the *Buon Governo* or general police of Tuscany and communicate with all the "Bargelli" and other inferior officers of justice and finance throughout the state: they had free entrance into every place of public amusement, the city gates flew open at their command; military posts implicitly obeyed them, patrols were always at their orders, and *no private residence was impervious to their authority.* This was police, not liberty; but it was still a relaxation and an improvement on what had preceded.

Three other edicts abolished the two magistracies of the archives and conservators of laws, which had existed for two hundred and fourteen, and three hundred and forty-nine years respectively; and altered the proconsulate which was thenceforth directed by a new functionary called the "*Conservator of the*

Laws" second only to the judges of the supreme court. The civil jurisdiction of the Court of Archives and many provincial tribunals, besides other powers, was superadded to this court, such as supervising the conduct of attorneys, notaries, advocates, and judges, and the nomination of "*Mondualdi*" or advocates, as acting guardians for women in legal matters. The second edict in suppressing the court of conservators divided their jurisdiction between the supreme tribunal and others; the third created a royal advocate to defend fiscal actions and crown-royalties; and a fourth abolished as useless the syndics of the Ruota and the "*Procuratori*" of the palace and colleges. So inveterate was the habit of corruption in Florentine law-courts that another circular became necessary for the expression of royal censure, accompanied by a peremptory interdict against the acceptance of gifts or fees, a practice that not only affected the honour and public duties of a judge but stamped a bad impression on the public mind: if such practices were allowed said the Prince the people would have good reason to complain that their hard earnings were forced from them to augment the salaries of officers, already well paid for giving them legal protection.

The retail monopoly of tobacco was about this time annulled and public weights and measures deposited in the chief magistrate's office of each community, so as to spare a journey to the metropolis every time that private tradesmen required theirs to be legally verified; but a modification of the Sigillo shows that it still obtained in country places, nor was salt meat yet allowed to be sold by any but licensed butchers *. It is no less difficult than tiresome to follow Leopold's reforms throughout all their local branches, for the whole country was so minced as it were into bits of territories with peculiar laws customs and necessities, that what at first sight appears to be a general measure, is seen on closer examination to operate only partially;

* Rescript, 11th June, 1777.

but the great stream was always broad clear and full; the smaller drains were gradually cleansed and successively filled by it until the whole land was reclaimed, productive, and full of independent industry. Large sums had accrued to government from the "*Allivellazioni*" and redemption tax; much common land, by its sale and fines, produced funds with which the Grand Duke relieved those communities to whom it properly belonged by paying off foreign stockholders and substituting these bodies as state creditors: this did not decrease the national liabilities but it secured the home expenditure of their interest.

Much public debt was also liquidated, for all revenue from government iron-works remained free from mortgage by an edict of the first of September and the price of iron was lowered by the Grand Duke in an equal proportion. Thus bit by bit Leopold worked round on every side, planning, executing, and consolidating as he advanced, and making use of every saleable article of pride luxury and war to augment his funds or aid his purposes: for this of course he was much vilified; but in a question between mere fancy and public welfare, most unjustly so: the exquisite taste of the Medici half ruined Tuscany; the homely usefulness of Leopold restored her: he was composing a great mosaic picture made up of many parts which he unfortunately never completed, yet what remains is a glorious memorial of his worth. Pistoia and the twenty-eight departments of Upper Siena were this year admitted to the benefits of the new system of self-government; but a much less popular and yet most beneficent and important act was his mitigation of the law of debtor and creditor: he could not help regarding as unjust and even cruel the usual practice of promiscuously confining poor debtors, guilty of no moral crime, with malefactors guilty of all, when mere restriction and personal responsibility were all they merited: a debtors' prison was therefore erected for every community, in which there were no signs of imprison-

ment but simple custody, and to which all debtors had the right of being removed at their own request within three days after capture. It was simultaneously decreed that throughout Tuscany no man could proceed against a merely civil debtor for a smaller sum than thirty-six lire or about one pound sterling, nor have an execution on his goods for even larger sums until after a previous legal process had been adopted and failed. All this caused great outcry, but justice humanity and sound policy will applaud the principle.

The dissolution of the grand-ducal chamber, the abolition of some remaining taxes on trade, and more of those ameliorations which were ever in progress at the bench while affairs of greater importance occupied the anvil, closed this year's labours and the next commenced with the arrival of an ambassador from Morocco called Mahomet-ben-Abdil-Melac, with a suite of thirty-two persons to treat for the ransom of Mussulman galley-slaves. He was magnificently entertained, saw all that was worthy of admiration in the town, amongst others the library of San Lorenzo where he examined several copies of the Alcoran, reading aloud from them with great devotion, and was ultimately dismissed with all the captives besides splendid presents. But the most important result of this visit was a treaty which abolished slavery in both nations, granted favours to the trade of each, and in case of war prohibited active hostilities until six months after its declaration. Domestic reforms were then resumed and innkeepers allowed to exercise a plurality of trades, which had not been previously suffered; along with this fell another wide and intricate web of petty taxation affecting the districts of Arezzo, Radicofani, and Volterra, under the various denominations of *Hearth-money; Cottimi; Gabella Grossa; Gabella della Legna; Gabella di Messa; Tratta e Passa del Vino;* in which last was comprised a duty levied upon the removal of wine from private cellars to the taverns; and lastly the *Gabella della rimessa*

A.D. 1778.

dell' Uva. From each of these a small vexatious and oppressive revenue was derived and commonly in arrear, but all was now given up by Leopold, and the laws against public peculators simultaneously mitigated to personal imprisonment alone, without involving their whole property and consequently an innocent family in ruin.

About the year 1550 when Cosimo I. wished to adorn the Tuscan towns and cities by the encouragement of architectural buildings he deemed it just that poverty should cede to riches, and therefore made a law the preamble of which says, that many in "his most delightful city of Florence as well as in his most ample dominions who had need of some adjacent house, shop, or other building, or vacant space to build upon, *were obliged to apply to the owner;* and though offering more than the real value, *their honest request was frequently denied!* Thence it followed, that divers persons had abstained from building, or were obliged to contract the size and hurt the look of their houses; and being anxious that the beauty of his capital as well as the rest of his *happy dominions* should be augmented;" he decreed, that any person wishing to build or enlarge his residence, and who could not amicably agree at a fair value with the owner of neighbouring property, was at liberty to demand the aid of certain officers who were bound to force a sale of the coveted property at a price agreed on between two arbitrators chosen by the conflicting parties, and ten per cent. above that estimate, with an obligation on the buyer's part to expend ten times the amount in building. These officers in case of opposition or the absence of either party, were empowered to nominate the two arbitrators, to whom they could add a third if their opinions were adverse. No owner whose property amounted to 500 golden crowns could be thus compelled (for the law was only against the helpless) unless it were a shop, which if not *inhabited* by the family they were obliged to abandon; but anything under that sum, whether occupied or not, was compelled

to give way before the greater man. A few streets adjoining the old and new markets and including those places, were the only exceptions to this tyrannical ordinance which was in full activity until 1778 and has even been praised in the present century as one great cause of the fine palaces that now adorn Florence. This may be partly true as well as its general tendency to circulate money and labour; but such laws are scarcely defensible even when passed by a free community on a large scale for public benefit, much less so when authorizing any opulent man, from caprice taste or enmity, to seize the property and destroy the rights of his humbler and feebler neighbour. The *money* value of a house or place is not always its *real* value, for besides the local custom and lucrative site of a shop, there are a thousand inexpressible feelings and associations haunting old family mansions that can never be bought at any price! The small cottage at "*Sans Souci*" did more credit to King Frederic's name than the proudest Florentine palaces will ever do to that of Cosimo. This law soon became a fertile source of injustice, of angry and ruinous litigation, of new, multiplied, and intricate legislation with all their attendant evils, and far outweighed any possible benefit that could ever have accrued from its enactment: in the country its abuse had occasioned vast accumulations of property to the detriment of agriculture and the restriction of private liberty in a free exercise of territorial rights, which Leopold endeavoured to preserve inviolate beyond all others as the corner stone of public weal. By a mandate of February 1778 he annulled this and every similar law touching real property of any description and ordered that the common Roman law should govern this subject, as in ancient times. The repeal of some injurious restrictions of the wine trade to certain privileged persons specified places and appointed times, preceded a second reform of the quarantine department which was dilatory, complicated, expensive and arbitrary; vexatious and oppressive in its action, and useless in its

results: it was therefore suppressed throughout Tuscany, except at Leghorn and Porto Ferraio in Elba, its common local duties devolving on the commissaries of police. At the same time the Auditor Fiscal's business was reduced by making the fisc a simple office of accounts and transferring his jurisdiction to the newly created "Judge of Royal Possessions," but accompanied by one of those graceful acts of beneficence which so frequently imparted additional dignity to Leopold's reforms; namely, a remission of all debts incurred up to the year 1770 from penalties to the crown; thus did he remove a burden from the mind and exertions of many a trembling debtor, while efficiency economy and despatch were secured in a once terrible and always vexatious department of Florentine finance. The remaining duties of the *Annona* slight as they were, seem in despite of all reforms to have still exercised too much influence on perfect freedom of trade, and were transferred to the commercial chamber; this now supervised the whole fraternity of butchers and other victuallers, in a trifling way but showing what difficulty even the best meaning governments may find in throwing off an inveterate spirit of meddling with private commerce. One of the most useful provisions of this law was the abolition of the *Portate* before spoken of as annual returns of the grain housed by each individual in Tuscany: of their inutility Leopold at last became convinced, and acknowledged they were not only useless after the establishment of commercial liberty but often served as a pretext for the most galling vexations. He now suppressed them all, to the great joy and relief of his subjects; for here again it was not the load so much as the loaders which fretted the animal. Along with the above was published a host of minor regulations for the suppression of useless offices, the reduction of public expenditure, the increase of efficiency and economy in the public service, and other matters individually trifling but of great importance in the mass of public prosperity which they silently but deeply affected.

Amongst other things a royal edict appeared in April which by a general sweep seems to have completed the emancipation of agricultural commerce in all its branches; for in defiance of the many and continual reforms industry appears to have still suffered in a variety of small ways, entangled as it were by numberless little binding roots and fibres which lay unnoticed until after the great leaders were lopped off. Proprietors were released from a series of obligations deteriorating to the nation at large and of little real assistance to the revenue; amongst these was the repeal of every tax, toll, or duty before levied on the export, import, or transit of cattle and the consequent freedom of this trade, excepting only the usual Gabella: fines due to the crown were simultaneously remitted and all Tuscany opened to the free range of native and foreign animals. Besides this the office and magistrature of Senese pastures with their tyrannical regulations and privileges were abolished, and the removal of a vexatious tax called "*Fide*" left the landowner in full possession of his property without the mortification of seeing every third year's pasturage taken by government, and his lands ruined by cattle which the crown was privileged to send there. Shepherds were no longer compelled to return from those remote plains during the summer heats with the same fleeces which they had been forced to show at leaving their own mountains many months before, and this at the requisition of every petty underling on the road: the drover had no longer to count his herds and pay their "*Pedaggio*" or foot-money at the same stations he had previously passed: the proprietor was spared the task of furnishing government with a general account of his livestock, distinguishing what remained at home from what were destined for the Maremma, and could now securely calculate his means of gain. The royal monopolies of iron, salt, and tobacco in this province were also thrown open to public competition together with a free trade

in almost every article of foreign commerce established there, whether raw or manufactured, and entirely free of duty. Goods and chattels might change hands without any contract duty as in the rest of Tuscany; presents, purchases, exchanges, leases, mortgages, pledges, recognitions of debt, devolutions of property, and marriage portions, all previously taxed, were now unfettered and launched into free and general circulation. Ten other distinct heads of taxation besides several minor imposts were relinquished, such as the duties on stamps, meat, straw, forges, slaughter-houses, inns, vintners, grain, salt, and many others, both general and local, more vexatious in their collection than amount: the power of killing, selling, and salting meat with the free exportation of timber and fuel was universally granted, and all persons were permitted to carry arms without a license. Foreign settlers in the Maremma became at once naturalized and received a certain quantity of land with the sole proviso that it should be cultivated within two years: no personal arrest for debts was suffered, under the amount of 2000 lire; none contracted out of Tuscany, unless within four months of the settler's arrival, could be recovered in the Maremma, and only capital crimes committed beyond the state could be prosecuted within it. Foreign herdsmen were protected in their trade, and every man who erected a new dwelling or repaired an abandoned one, was repaid one-fourth of its cost. These and many other politic acts contributed to animate the Maremma; amongst them a law of 1776 which allowed the people for the first time to gather in their vintage when they pleased *without being forced to wait for a license from government.* Antonio Salustio Bandini a Senese gentleman deeply interested in his country's welfare, complains bitterly of the way in which it was governed and proposes a system afterwards adopted by Leopold, who was always eager to have the opinion of useful and experienced men,

and also to follow it unchecked by any pride or personal vanity*.

The folly and injustice of former Tuscan governments outdid themselves in this province and seem almost incredible; even by the regency were individuals *commanded to cultivate their land within two years after the promulgation of the law, under penalty of forfeiture;* and this in a depopulated and deadly country where pestilence killed men, and taxes industry! The prohibition to carry arms without a licence which the peasants were too poor to purchase, in a land scanty of food, but abounding in game wolves and other wild animals, was a positive deprivation of the means of existence, and therefore a cause of disobedience, resistance, and bloodshed.

Bandini complains that as Florence with its trades, and Leghorn with its commerce, accumulated more riches and consequently paid more taxes than other places, they exclusively absorbed all the cares of government, while ministers were wont to say that the Maremma could not maintain itself and was a burden to the state: heads of departments swarmed in all directions, each intent on the increase of his particular revenue without reference to the general good, and laws, taxes, and restrictions multiplied accordingly. The government, he said, resembled a number of passengers crowding into one small boat each mindful of his own particular parcel but inattentive to his neighbour's load or the still increasing weight, until the vessel sinks under accumulated pressure: the consequence was a prohibition of exports, cessation of tillage, decrease of cattle, and the owners of full granaries abandoning agriculture from inability to dispose of its produce. Vineyards and olive-grounds became

* The Archdeacon Antonio Salustio Bandini wrote his "*Discorso Economico sopra la Maremma*," in 1737, and died in 1760, just five years before Peter Leopold's accession; but it was not published before the year 1775. It is full of sound principles, just and benevolent feeling and philanthropy, and exhibits a melancholy picture of the evils of misrule.

choked with herbage and sank to mere pasture; towns decayed and crumbled into ruins; then followed the depopulation of large districts "*Mal'aria*," and general desolation; so that its rulers wished the whole province submerged to rid themselves of the profitless labour of its management, the result of their own misconduct! Any person passing through the Maremma in those days and seeing fertile lands reduced to so wild a state that even flocks could find no pasture; seeing abandoned vineyards, olives sprouting with unpruned luxuriance and ungathered fruit; ruined habitations, dilapidated towns, and desert plains; could hardly have believed that these were not the effects of devastating war or frightful pestilence! It is asserted that the last twenty years of Medician rule blasted this province with more desolation than the two preceding centuries; that the evil was not the effect of wars, nor malign influences, nor military executions, but of civil and criminal tyranny; not of natural disorders but of artificial orders; more from justice than injustice; from having too many ignorant regulators and none who even knew the country, much less how to protect it. Hence instead of promoting trade everything seemed calculated to destroy it, and the universal misery was scornfully laid to laziness and idleness in the miserable inhabitants*. This alone was enough to ruin a state, but other laws, ignorantly or weakly enacted to humour Florentine prejudice, aided the work by forcing sales of produce at less than the cost of production: Siena with no very praiseworthy government and seven times the population had rolled in a large revenue in republican times from the cattle-trade, but a prohibition to export them

* Bandini, pp. 17-174, and *passim*. —There are those who attribute the wretched condition of the Irish to a similar cause; that is, the laziness and idleness of men who will make a summer excursion of eight hundred miles with hard work and scanty fare, to bring home perhaps three pounds to their starving families! A famished nation cannot be expected to display the physical strength and energy of a well-fed population, yet the Irish yield to none in either; teach and feed them first, and then brand them as idlers—*if they deserve it*.

had reduced the supply somewhat below the natural wants of the people, as none would embark in so uncertain a speculation. If the taxes in the Maremma says Bandini, were measured by what government receives they would be found insignificant; but if the resulting vexations be considered, such as the multitude of tribunals, magistrates, clerks, bailiffs, oppressions, captures, imprisonments, outlawries, exiles and deaths, they become iusupportable: "It is not the moderate load," he then adds, "that hurts the horse but the number of loaders that mount the cart along with it." The tax of the Estimo, which clung like misfortune to the desolate lands where the vine once flourished, scared people from their acquisition and cultivation; for the unlevied tax proved the ground a wilderness, and woe to him who undertook its tillage if unprepared to discharge the accumulated arrears for all the time it had remained unoccupied! Capture, prosecution, and incarceration awaited his mad attempt! Vast possessions, if a vine had ever grown there, had from such causes become deserts; the contract duty had ceased, for none would receive property so dangerous even as a gift; each person held his own as long as his other resources enabled him to pay the tax, but when vineyards alone remained he left them and emigrated! Official minions increased expense and disgusted the people; they were haunted by bailiffs, lawyers, courts, and podestàs with all their train of judicial insolence, maintained too in places where but a miserable remnant of population still eked out a wretched existence: on such carrion these harpies fed and willingly turned aside from those transgressors who could afford to purchase impunity by the addition of a mite to their scanty and irregular stipend.

In every community a tax called "*Lavori nondiscritti*," a *fixed* impost divided amongst sowers of land, was now abolished; the amount was little but the oppression great: in the district of Grosseto it amounted only to 150 crowns which as late as

1707. was bearable, as it came but to one *Paul* a moggio; sowing then diminished, and declining tillage had raised it in 1737 to a crown a moggio, or ten times the original burden; so that the quantity of grain sown had diminished from 1,500 moggia to 150 in that district alone; and this being situated immediately around the provincial capital was probably the most opulent although a very unhealthy part of the province. Such was the moral government of the Maremma; which combined with "*Mal'aria*", scarcity, and badness of water; unwholesome food, absence of medicines and care in sickness; and abundance of smaller evils, was rapidly bringing the country to a state of complete dissolution *.

Bandini recommended that the power of self-taxation should be lodged in the communities, and also the appointment of a general governor or visitor of the province who amongst other duties should decide all cases of doubtful litigation, and thus relieve the inhabitants from journeys processes and appeals, which between expense and anxiety often cost more than the worth of the judgment they sought, and it was probably with the intention of profiting by such advice that Leopold this year published an edict for the improvement of administrative justice in the Maremma. The eight district governors had their title altered from *Podestà* to *Vicar* with similar jurisdiction and prerogatives to the other Giusdicenti of equal rank, but subject to a superior judge called "*Commissioner of the Lower Province of Siena*" who was to reside at Grosseto as the centre of provincial justice and supreme court of appeal. Local appeals were however previously allowed to be made from one vicar to another, whose confirmation of the first sentence precluded all further litigation. These were important changes and sensibly felt by the people; the intelligence of their being completed was received at Grosseto and throughout all the Maremma with general rejoicing; it was celebrated as one of

* Bandini, Discorso, *passim*.

the brightest epochs in their melancholy story by three successive days of public thanksgiving, spontaneously observed throughout the province.

Disputes between the republic of Florence and the popes about their national boundary had existed as far back as the pontificate of Eugenius IV. towards the second quarter of the fifteenth century: the lands adjacent to Val-di-Chiana were the debateable ground, and Cosimo the First had made an effort to arrange the business with Pius IV. who died ere the negotiations were terminated. Ferdinand II. renewed this attempt and charged the great Galileo with its execution; but the Barberini war between Edward Duke of Parma and Pope Urban VIII. arrested all negotiations, and after three centuries and a half of quarrels and uncertainty, this also, amongst many other disagreements with the Vatican, was reserved for completion by the resolute hand of Leopold. A series of regulations, minute and uninteresting as matters of history, like most of this narrative; but important as they more or less conspired to advance the nation's comfort, are standing proofs of Leopold's indefatigable labour: amongst them a duty on importing silk-worms' eggs and a law of 1580 which restricted silk manufacturers to Pisa and Florence were now repealed, and opened that declining trade to the whole of Tuscany. The jurisdiction of the merchants' court was confined to cases purely commercial in Florence alone, its other powers being transferred to the regular tribunals for the purpose of simplifying judicial proceedings: a civic guard was created preparatory to the army's entire abolition and the substitution of national militia; and the feudal power of the Counts Bardi and other nobles was reduced. For girls of seven years old and upwards who by the indigence or neglect of their parents had no means of education; a school was established in which the rudiments of literature were prudently combined with practical acquirements adapted

to their station and future prospects, such as would make them good wives and mothers as well as industrious members of society, it was exempted from the law of Mortmain, and two marriage portions were annually bestowed on the most deserving of the girls, who were moreover permitted to remain until they married or had found some honest means of subsistence. While forming this establishment it was considered that mere literary education unless founded on confirmed habits of practical morality and a rational sense of religion, was a superstructure of much too light and flimsy a nature either for beauty or utility, and more calculated to hurt than to serve the individual; and that even the two former unaccompanied by confirmed habits of industry and some professed employment would be deprived of half their force and influence: all these were therefore intended to be combined (as they should be in every system of general education for the working classes) not by the empty tinkling of precept, but the solid force of useful industrious habits and good example.

During these employments Leopold omitted no opportunity of enriching the royal gallery with works of acknowledged merit; the Magliabechiana library was augmented by that of the Abbey of Saint Bartholomew of Fiesole, a donation of Cosimo the elder to Don Timothy of Verona, for whom he also ordered this convent to be erected by Brunellesco at the expense of 100,000 florins, on the site of the ancient Fiesoline cathedral. By one of those vexatious laws so frequent in Medician legislation, no private individuals could board or lodge a person in their own house after October 1720 without an especial license from the Salt-office and an accompanying fee; thence arose continual annoyances with the destruction of much social comfort and domestic freedom amongst a vast portion of the community. This iniquitous law was now repealed and the citizens' hearths and household gods restored to liberty by full permission to receive whom they pleased, with

the sole obligation of sending strangers' names to the police for registration.

To improve the bar by encouraging forensic eloquence, to remove the evils of private informations and examination, and to ensure more prompt and certain justice, all civil proceedings were now ordered to be carried on publicly, and no judge was any longer obliged to hear the statement of litigants or their legal advisers in private, nor attend to any case out of court. The plaintiff and defendant were there heard openly, once; with a reply from the former, or not, according to the court's judgment: this regulation, besides diminishing the chances of private corruption, imparted more spirit energy and lustre to the Florentine bar, and increased its reputation. But the debt was Leopold's great object and the money still flowing in from various communities as they were successively admitted to self-government, enabled him to pay off another division of foreign creditors to the amount of 58,725 crowns by transferring their claims to the former; and on the twenty-fifth of August he announced his intention of selling or letting on perpetual lease all the crown lands as well as those belonging to the order of San Stefano in further liquidation of the debt.

Florence at this time abounded in charitable institutions all differently regulated according to the will of their founders or the spirit of the times in which they were established: this had become inconvenient and sometimes injurious to their object, wherefore Leopold resolved to introduce a simpler and more effective system by forming a Board of Commissioners to investigate the subject, which was thoroughly executed: plans for schools of surgery, medicine, and pharmacy, within each hospital; for victualling, medical treatment, and general administration; and particular regulations suited to local circumstances, were submitted to government and carried out. Leopold's toleration led him after this to declare all Jewish

proprietors in the Florentine and Pisan districts eligible to the councils-general of communities, and so far admitted them to the rights of citizenship; an example as yet unimitated by modern liberality.

The war between Great Britain and her American colonies had by this time thrown Europe into a state of universal agitation, and when Leopold first heard of their revolt he turned to one of the courtiers and said quietly "*Our* trade (*i. e.* king-craft) is finished." But, with the desire of preserving a rigid neutrality, he forbade any act of hostility within gun-shot of Leghorn batteries or the rock of Meloria, besides other precautionary measures; all *good* if there had been power to maintain them; but the neutrality of a petty nation does not depend on its own wishes. Numerous other restrictions still sticking to justice commerce and agriculture were cleared away; silk manufactures in particular were now emancipated and encouraged by the repeal of laws passed at various periods of Medician rule for their protection. By some of these not only cocoons but even mulberry-leaves were denied a free sale and circulation, nor could they be removed from place to place without a licence, nor be deposited in any warehouse but those of the commercial chamber, nor be disposed of to any but privileged persons, nor be sold at all in Florence without payment of a tax in addition to the regular Custom-house duties! The suppression of this miscalled protection concluded by a mandate of the sixteenth of November which left all Tuscany free to manufacture silk without the necessity of a licence; a great boon to the poor, who also had up to this period been nominally exempt from a tax on the transfer of property; but the law was so constructed as to be of little service to them; wherefore every tax on alienations under the value of seventy-two crowns, whether by sale legacy or donation, was not only repealed but the act made retrospective in favour of all who had not already paid the duty. Marriage portions also which had been

A.D. 1779.

previously liable to double duty if not paid exactly in the form originally intended, shared the benefit of this enactment by its limiting every sort of dowry to a single duty alone.

This was succeeded by a new and voluminous code of instructions on the office and conduct of chancellors or secretaries of communities; in these the welfare of the latter and the general happiness of his subjects are prominently exhibited by Leopold as the great and leading objects of duty. With a benevolent sagacity he endeavours to fix their attention on the benefits of a just and moderate taxation equally distributed and an honest augmentation of municipal rents, as worthy objects of attention; but above all, the defence and protection of poor people, as those most injured by bad and therefore most interested in good government; a condition, he said, which ought to bring them more especially under royal protection, in common with those who from natural imbecility or other moral weakness were in most need of legal support. Public peace and individual security; on which depended active industry the life-spring of national happiness; were recommended to the especial care of these functionaries with strong assurances that neither their good nor bad conduct would be passed over with indifference. Their office was important: they were official organs of communication between government and the communities; royal deputies for the superintendence of municipal laws and regulations, of which they were virtual executors and conservators; they were directors of all financial affairs belonging to municipal and charitable property; executive officers of metropolitan courts, and royal ministers in the capital; besides being notaries and actuaries of those courts as while under the jurisdiction of the *Nine*. They were keepers of local rolls and archives, ministers and representatives of the crown in public affairs, legal counsellors of municipal magistrates, and delegated clerks of the powerful Salt-office: they could assemble the "Magistracy" or "General

council" on emergencies even without consulting the gonfalonier; they superintended its formation and swore in its members; public leases, sales of local property, and all local taxation, came under their control, the latter as much in its imposition as publication and distribution; the securities of local treasurers were approved by them, they held the patronage of all vacant benefices although belonging to the community, were registrars of municipal assemblies and watched their meetings to see that no law either of formation or numbers was violated; they were wardens of municipal boundaries, visited them periodically with the Giusdicente, defined their limits and reported on them if necessary; besides many other important duties. Wherefore it may be seen that in this office were united those of governor, archivist, counsellor, notary, registrar of the legislative body, and controller of the communities which composed its district; and that with much real and more apparent liberty Leopold by means of these officers retained the communities under strong but necessary control, a control that checked evil while it left perfect freedom of action to everything beneficial. Notwithstanding fifteen years of slow but steady conquest over public grievances there still remained here and there many remnants of former sin of which the prince was probably long ignorant because they were known to few beyond those that felt them either for good or evil, so that every month detected new excrescences and produced new amputations. The free culture of tobacco was this year extended beyond the Maremma to five neighbouring districts, and virtually destroyed the monopoly of that lucrative trade along with a corresponding revenue, but imparted a new stimulus to agriculture. The iron monopoly in the district of Barga shared the same fate, and clusters of petty laws and petty taxes still continued to be swept off like cobwebs, from other instruments of industry; amongst which the silk-trade, besides leaving the question of wages to the

A.D. 1780.

unbiassed discussion of master and workman, was relieved from no less than nine distinct laws, each full of minute specific regulations to be observed in its manufacture, from the egg to the finest bale of the most costly fabric; regulations that checked its progress while still in vigour and afterwards paralysed its weakness. Those pastures watered by the Arno and Serchio in the Pisan and Florentine territories, had been left free for grazing under the edict of 1775; but new grievances seemed to spring to light at every successive removal of the more prominent evils that overlaid them. The chase and fisheries too underwent another revisal, and the lake of Fucecchio, along with the whole course of the Arno from Florence to Pisa was declared open to public amusement and industrial enterprise both in and on the waters. A royal mill of considerable value and rental which did some injury in the vicinity of that lake was unhesitatingly and instantly demolished with many other royalties which altogether rolled in no small crown revenue to the injury of private individuals: these are little facts, perhaps scarcely admissible in history, but that of Tuscany at this epoch is almost entirely composed of them; it is simply the story of Leopold; the ruin and misery of Tuscany principally sprang from an accumulation of small as well as great vexations, each confined to a limited space; perhaps hardly known beyond it; each too insignificant in itself to account for the general suffering, yet all tending to that result, and like low sand-banks hardening into one solid mass of unmitigated tyranny on which the national prosperity was wrecked. Great and sudden acts of wrong might have caused revolt; but thus subdivided both in bulk and time, oppression had no perils for government while it gradually crushed the people. Much of this mischief however arose from mistaken notions of trade and political economy, which with a plausible exterior blinded even the sufferers to the lurking misery within and bowed their declining spirit to every new vexation, every fresh oppression.

The remission of small and numerous arrears of public debt, to individuals and classes, was, as we have seen, not unfrequent with Leopold and involved a great sacrifice of revenue; if that can be called a sacrifice which was only to be recovered by ruining and incarcerating the unfortunate: but thus relieved from fear, they cheerfully commenced a new course of industry which fully remunerated the country for all its previous loss. Almost every year furnished instances of this benevolent policy, and many long-standing arrears the dregs of old misrule, were beneficently remitted; the continual reduction of public debt proceeding at a slow but steady pace, enabled Leopold thus to follow up the bent of his inclination, which with unkingly eccentricity made him reduce taxation according as he diminished those debts, whose interest it was imposed to pay. In this manner a duty on iron imposed in 1692 to discharge the interest of augmented debt, was now abolished, and three thousand shares of national liabilities were altogether redeemed. Before August 1780 scarcely any work that contributed to public and even domestic cleanliness could be freely performed, nay even a common privy or cesspool remained inviolable without an express permission of the health-office and its consequent fees, which of course became so many premiums for dirt and contagion. All this was now emancipated from any restrictions but those necessary to protect the public against nuisance and disease; and along with it was abolished the Medician monopoly of excavations for the discovery of antiquities, but still reserving to the crown a right of preëmption.

This year we also observe a second step towards the reform in criminal law in Leopold's conviction that confiscation of property added to other penalties was too severe and unjust a visitation on innocent people for the crimes of those with whom nature alone had connected them: several rigorous laws were consequently repealed, such as those against the use of forbidden arms; against smugglers, their accomplices, and other delin-

quents provided they used no violence; various penalties were mitigated and amongst them a law passed in 1609 imposing 300 golden crowns fine for every pack of cards smuggled, which was now reduced to 10 dollars; and afterwards the laws of conveyancing, obscure, rigorous, and teeming with litigation, were gradually reformed*.

It has already been mentioned that by a law of Cosimo I. in 1559, founded on the notion that wooded mountain tops prevented floods, their clearance or cultivation was prohibited under severe penalties, from a fine of 200 golden crowns and the galleys for the first offence, to double that sum and death for the second: fathers were held responsible for sons, uncles for nephews, masters for servants, and the *whole community*, as regarded fine, for *unknown delinquents!*† These woods were of little use, because they could never stop rain from falling; yet this fact not appearing to strike Cosimo he in February 1564 renewed and extended the prohibition against cultivation and the cutting of woods to a mile on every side from the summits, as the water runs. This act however merely embodied some ancient recommendations offered by the Party Guelph in 1485 to proprietors of mountain lands to plant their hill-tops as a protection against strong winds, which many persons still believe have been felt more sensibly in Florence since the mountains were first cleared of wood, and with an asserted increase of consumption and nervous maladies in that capital. Whatever amount of truth may be concealed in such notions Leopold at the prayer of many petitioners against these and the "Magona" laws; which latter monopolized all woodland within a radius of

* Laws of 1701; January, 1737; June, 1746; September, 1779.

† This law was even surpassed in folly as in cruelty by the Irish Distillery Law, not many years repealed, by which a military officer of rank, amongst numberless other victims of this tyranny, was, while gallantly serving his country in the Peninsula, nearly ruined by fines on his small property for illicit distillation by unknown delinquents. This law was passed in the nineteenth century by a British parliament with all the malignant spirit and tyranny of the dark ages and more than their ignorance!

eight miles of each boundary; determined to repeal both: the "Magona" because its only effect was that of enriching the crown at the subject's cost; the other, because it deprived proprietors of their natural rights without effectually preserving the woods or answering any other useful purpose. All private rights were therefore restored, saving that of ploughing the hill summits, and universal freedom of exportation was established on payment of a small duty for every description of wood, timber, and charcoal, so that a large body of proprietors, as in the pine-districts of Pisa, re-acquired rights that for more than two centuries had been unjustly withheld.

The year 1781 began with another exercise of that vigilance over the conduct of attorneys which public opinion, and probably his private information, justified in Leopold's mind; wherefore with a view to paralyse their wiles and prevent litigation he recommends, in a circular of the seventeenth of February, that the several "Giusdicenti" should prevent this class of lawyers from promoting disputes by wantonly exciting adverse parties, and take care that clients were defended in the spirit of truth and justice; that there was no unnecessary delay, that they acted according to the shortest judicial rules, that they did not retard the production of documents or in any way needlessly prolong suits; that they observed legal regularity and certainty so as to avoid untimely and unlawful variations; that the scale of fees should be accurately observed and no presents accepted; that only half costs were charged to the "*poor*" and none to the "*miserable*" according to the legal definition of these classes; and finally, that whether demanded or not they were to render their clients an exact account of the expense and minutes of the trial. A second letter in the same tone was addressed to the judges and magistrates of Florence; but notwithstanding all these efforts the Florentine bar seems to have borne no higher character than that of other nations: such moral rectitude may spring up spontaneously from lofty prin- A.D. 1781.

ciple and feeling, but can neither be created nor enforced by parchment precepts, even though backed by the power and example of absolute sovereignty.

One of Leopold's great objects was to reduce the management of public revenue to its most economical simple and easy action for public convenience, and therefore amongst other things to discontinue exacting and collecting the Decima at Florence for all the contado, as formerly, but distribute it amongst the communities for self-administration. To this end a new Catasto appeared, containing a description and estimate of all real property subject to this tax as it stood on the first of August 1776, the books of which were consigned to the several communities, while the Metropolitan Decima Office and Tribunal were abolished with all their costly appendages, leaving merely an open archive which was deposited in the Chamber of Communities where the state of all property before that date might immediately be ascertained. This was a very important advance towards self-government, because the Decima formed one-tenth of the whole private income of Tuscany arising from real property, which was thus placed in the people's hands to be imposed and gathered by officers of their own selection and in a manner most satisfactory to themselves: but all property did not now pay an equal amount, twenty per cent. being deducted from the value of buildings in the new estimate, after a fixed period of duration, on account of their perishable nature.

When any nation has arrived at such a state of refinement that the livelihood of great masses depends on their competition to supply the unceasing wants of opulence, it may be lamented as verging on decay but cannot be arrested with impunity; that riches idleness and luxury tend to demoralize and degenerate can scarcely be doubted; but that they are the means of producing successive crops of vigorous industry is equally clear; so that the quantity of mental and physical

energy in such a people, though shifting and changing, is always present somewhere; as the friend, companion, or instructor of labour; and class after class work, rise, prosper, repose, and employ others in their turn; but finally sink into the prevailing luxury. The rich and unoccupied in every country are necessarily the least numerous, but are possessed with attractive powers which penetrate every descending rank: their vices may be imbibed; but where great and general industry obtains, their contamination must be comparatively slow, and commonly restricted to those who can indulge in them; so that the moral evil of riches and luxury to the great masses of a really industrious nation is perhaps not so deep as may be supposed; and were this source of livelihood destroyed what wide-spreading misery would ensue! The evil therefore, admitting it to be one, having grown into full vigour cannot be safely checked; wherefore all sumptuary laws or other similar expedients for reducing a refined and civilized people to primitive simplicity, if accompanied by simultaneous efforts to promote commerce and manufactures, must not only be useless but pernicious and extremely contradictory.

With this view of progressive refinement it will appear strange that so clear-sighted a prince as Leopold, however naturally inclined to homely manners, while strenuously exerting himself on one side to promote luxurious manufactures, should on the other, discourage the principal source of their nourishment; the home consumption! Yet by a circular of the tenth of August 1781 he laments the excess of Tuscan luxury, especially amongst the Florentine ladies; and adds, that those who in consequence of their husbands' riches and liberality were enabled to indulge themselves, instead of spending their money in more noble and useful objects, had the weakness to squander it in ridiculous vanity; while others of unequal means, though of equal rank and fancy, from pride or some false notions of honour believed themselves bound to compete with

the former; and women of every other degree, with an emulation natural to their sex, made ruinous efforts to rival those above them: that capricious and expensive vanity, he continues, which fashion introduces to the capital, soon spreads through the provinces, and with even still more pernicious effects into the rural districts: the result is greater difficulty of managing domestic establishments in every rank, failure of resources for education, of marriage portions for female offspring, and the insufficiency of public salaries for public officers; thence debts, not unfrequently peculation, scarcity of capital in trade, speculations, gambling, and consequent impatience of small gains; the diminution of labourers' wages, negligent and decreasing tillage, misfortune, dissension, and unhappiness amongst families, and much private depravity: wherefore the same excess which in a select few might be only a despicable weakness, becomes when more widely spread a positive crime that feeds on others' substance, and wastes those funds which are appropriated to fulfil the most sacred parental duties. There is much truth in this picture, the lights and shades of which however must vary with national character; and as multitudes actually exist on such abuses, sumptuary enactments could only produce more extended misery, for no people can retrograde without injury; besides the same reasoning will apply to every advance beyond the savage state and mere necessities of human life.

Leopold however made no law, used no coercion; but on the contrary resolved not to interfere with private liberty beyond public advice and royal discountenance: he merely admonished the nobility of either sex in strong language to discontinue this extravagance and not fancy that they would be more appreciated at court for splendour of dress and equipage, but rather for honourable sentiments, good conduct, proper employment of riches, and useful generosity: wherefore he invited them to attend the royal levees and drawing-rooms in simple attire even

though it were plain black; because such moderation would not remain unnoticed. A similar letter was addressed to those girls about to take the veil, the last days of whose mundane intercourse were wont to be passed in all the intoxication of dress, vanity, excessive dissipation, and unbounded expense: the admonition was all good, but more suited to nations just emerging from primitive simplicity than to a people who had already passed the meridian of luxury and refinement.

This abortive attempt to curb the sallies of fancy and vanity was followed by a more efficacious edict, which on the first of August 1781 dissolved the royal monopoly of iron, abolished the "Magona" or office of its administration, unshackled its export, import, transit, and manufacture, sold the royal founderies, and distributed the benefits of free competition amongst the people. On the same day Leopold began his great reform of the ancient customs system, a reform as honourable to himself as disgraceful to the country which opposed it. This opposition was felt at every step not only from some of his own ministers, who with outward smiles were secretly thwarting him, but from the vilest retainers of that office even in the remotest and most obscure districts of Tuscany. It is easier for an absolute monarch to do evil than good, especially if his mind is in advance of the age and country, and that the latter has been demoralized by misrule: the sources of iniquity lie so deep, the roots of evil are so minutely and widely ramified, its fruits so sweet, so various, and concealed, yet slily enjoyed by multitudes who feed upon and worship them; nay so closely are all these woven in with the very heart-strings of society that the boldest and ablest reformers may attempt their removal and fail. Nor is it to be wondered at; for when poison becomes nourishment wholesome food is nauseous; and man is not easily convinced that what he has enjoyed from infancy can be wrong. The Medici worked evil unresisted and easily; Leopold laboured hard and long to produce good and

restore what they had ruined, but was met by such opposition and virulent abuse as needed all his powers of mind and despotism to stem. In nothing was this felt so much as in the present and ecclesiastical reform, and from similar causes, namely the private interests of those who battened on civil and religious corruption: but having completed his system of free trade in human sustenance Leopold strenuously undertook to regulate the internal tolls and duties on transit through the Tuscan districts which still retained many ancient privileges. The active commerce of Tuscany he saw was too much oppressed by local burdens on the transport of goods through various territories, together with numerous bye-laws and statutes, which besides duties, established pledges and other securities so multiplied various and contradictory, that all inland trade suffered from their unceasing vexations. Wherefore pursuing his great object of promoting public prosperity through a perfect state of commercial and industrial liberty, Leopold effaced all these distinctions of territory in their mercantile relations, and excepting some, which from their detached situation or other peculiarity could not well be included, resolved to condense all into one simple comprehensive system applicable to the whole country. To this end he published on the thirtieth of August 1781 an edict which abolished the distinctions of "*Contado*," "*District*" and every other boundary, all local statutes and bye-laws affecting mercantile intercourse, and every duty and toll as well royal as municipal, even in privileged fiefs of the crown, without any regard to the conditions of their original grant; but in their place a single duty was imposed on the import export and transit of all merchandise throughout Tuscany; including the entry of goods into Florence Pisa Siena and Pistoia; according to a scale simultaneously issued, applicable in the first instance to the metropolis alone. The duties on boat navigation in certain spots, and those on tobacco in places where the royal monopoly was not as yet

abolished remained untouched for the moment, and between seventy and eighty custom-houses were established in the interior or ranged around the confines: the former consisted of the custom-houses of Florence, Pisa, Pistoia, Siena, Montalcino, Arezzo, Rocca San Casciano, Borgo San Sepolcro and some others; the remainder were suppressed. To prevent loss of time and vexation to the people, all that sort of merchandise and agricultural produce which usually came in retail from the country to cities, or which crossed the frontier either way, was exempted under a certain amount of value from any duty: in this were included hay, straw, fuel, herbage for cattle, and unglazed pottery; which if carried by one man were allowed to pass unexamined. Fees and perquisites at the city gates, with some exceptions, were suppressed, and those of subordinate officers generally reduced: besides Leghorn, Lunigiana, and the Maremma, there were for local reasons six other places left untouched by this act. The gates of Leghorn were considered as part of the Tuscan frontier, wherefore several taxes in that city which pressed hard upon inland commerce were abolished, but the three royal monopolies of salt, tobacco, and playing-cards, with a prohibition to export old pictures and other works of art without a license, still existed there, or were only partially repealed: to all other kinds of goods a free egress and regress was accorded on payment of the regular duties whether in the consolidated territory or the detached and excepted places.

The quantity and quality of merchandise was by this law ordered to be reported at the first custom-house beyond the frontier, unless belonging to individuals dwelling in the intermediate space, who were allowed to carry their goods directly home if not living in a town, but with the obligation of declaring them before the regular authorities ere three days had expired. The duty on commodities destined for any of the four principal cities might either be paid at the gates, or the

custom-house; and the border population comprised between the frontier line and the last custom-house had the privilege of carrying one year's consumption to their dwellings from the interior without declaration or restriction, and even more than this by merely pronouncing it to be for private use. The entrance of goods to Leghorn was to be deemed exportation from the interior, and those in transit from that city or any part of the coast were obliged to pass through Florence, where they paid the duty on their passage into the ecclesiastical states by Perugia, as well as into La Marca, the Bolognese, and Romagna: all this merchandise might remain in bond at Florence, Pisa, Pistoia, and Siena, and be forwarded at the owner's convenience but by the high roads alone; or else have free transit through these cities accompanied by an officer and pay at the frontier. There was no fine for fraud at the city-gates unless the gabella exceeded one soldo and eight denari, or about the value of a halfpenny; and if a transgressor, before having been detected, should acknowledge the deceit and pay the duty, no penalty could be exacted.

Taxation is an evil inseparable from the social state, and although in some naturally favoured countries it may be a salutary spur for rendering indolence industrious, yet beyond a certain point it must always impede the wholesome round of commerce and diminish comfort. In Leopold's system of customs, the substance of which has just been given, may be perceived that anxiety so conspicuous throughout his reign not to impede the free volition of his subjects more than was absolutely necessary; we may also see how he endeavoured to break up the mass of oppression previously existing, and clear every wheel of trade from impediments which vexed all ranks and conditions of the people. We shall find also that in despite of this benevolent wisdom and its contemplated benefits he was assailed by a barbarous yell from the swarms of animals, who had hitherto been feeding on corruption, together with the

underlings thrown out of immediate employment by so extensive an amputation. It needed all the physical and intellectual powers of this prince to succeed against the secret machinations and open hostility of his opponents, but the silent and deceitful undermining of his own ministers prevented the measure from ever being completed; vast good was surely done; but Leopold quitted Tuscany without fully accomplishing his wishes. "This reform" says Gianni, "embraced so many objects of inveterate habit, and so many sources of profitable abuse, besides depriving the public finance shop of so much agreeable business, that it could scarcely be completed but by long and active exertions in the national assembly": Leopold therefore wished first to bring it in a rough state under the action of public examination experience and opinion, ere it received its last touches and final perfection.

But this year's labours did not thus terminate: several bodies of privileged urban militia enjoying the power of choosing their own officers were embodied in various parts of Tuscany; the new Catasto was extended everywhere; some gleanings of monopolies were abolished, and an extensive remission of debts due to government from the communities was accorded by an edict of the third of November 1781. This terminated many long pending disputes between those municipal bodies and their chamber, and declared all accounts settled on both sides; so that from the first of November, the day of final arrangement, all Tuscan communities found themselves, with clear revenues from their perpetual leases, in the undisturbed administration of local business by self-chosen representatives, and holding not only the municipal imposts under control but also the distribution of general taxation, the amount alone being settled by government. Thus while much public expense was spared in collection and management, the communities and therefore the whole people, were left in an advanced state of *civil liberty*, of *commercial liberty*, and to a great extent of *financial liberty;*

with a clear field by self-exertion to prepare for that *political liberty* by which their sovereign hoped to crown the labours of his reign; perhaps with too sanguine an expectation of their moral capability to appreciate and preserve it. During the course of all these transactions, an occasional and progressive amelioration of the criminal laws was effected, by which the Grand Duke cautiously felt his way towards that more extensive change which he ultimately accomplished in his celebrated penal code, one of the first practical illustrations of Beccaria's philosophy.

CHAPTER VIII.

FROM A.D. 1782 TO A.D. 1787.

PETER LEOPOLD THE FIRST,

GRAND DUKE OF TUSCANY.

EVER intent on public economy as a means of diminishing taxes, Leopold's mind was incessantly contriving how to suppress every impost not absolutely required for public service, and the abolition of which would leave money in people's pockets: but in despite of this care and notwithstanding all the sovereign's vigilance, a frequent eruption of sickly humours, the dregs of misrule and consequent demoralization, seems to have been continually calling for cure, as if to show the generally distempered habit of society: too many of these perhaps have already wearied the reader, wherefore we will pass on to the more conspicuous transactions of this year. A.D. 1782.

The primary distribution of Florentine local taxation Leopold reserved for himself, and therefore completed a new metropolitan Catasto containing a description of all real property, including his own, that of San Stefano, the knights of Malta, and every possession of the Fisc, each of which were made equally liable to municipal taxes: but the mendicant orders; who with extensive convents to maintain had no revenue; the parents of twelve children and the children themselves while living conjointly with the former, were excepted. Besides which, to encourage humble industry; artisans, day-labourers, and workmen of every description were exempted from local taxation unless as possessors of sufficient real property to bring them under the general

rule: new registers were to be periodically formed; and amongst the taxes on property not previously described in the Catasto, ten "*Units*" or florins, for every 100 crowns, was to be the proportion levied after twenty per cent. had been deducted for expenses of maintenance *. Thus a gross annual rent of 100 crowns paid but as 80 and this annual income in cases of sale or valuation was to be estimated at two and a half per cent. on the latter or on the purchase money. After this initiation, coupled with a series of connecting regulations, the Florentine community was left free to manage its own business under the usual supervision of a chancellor. The next subject of revision was the laws of entail already noticed as having been modified in 1747 by Francis II, who left the privilege of entailing property to nobles alone and restricted it within four degrees, but "*in capita et non in stirpes.*" His object was to uphold the dignity of noble families, yet with manifest injustice to younger children and general national detriment, by accumulating property in few hands and giving an undue share to elder sons, besides other reasons. As amongst the ancient Romans only citizens could legally inherit, the law was often evaded by naming an inheritor amongst that class, to whose honour was committed the property for subsequent restitution; hence the Latin name of "*Fideicommitto*" Italianized into "*Fedecommesso*" and "*Fidecommisso*" which corresponds with the English expression of "*Entail*"; but the custom of primogeniture was probably brought into Tuscany by Charlemagne whose fiefs allowed only one successor when those of Lombardy were not so restricted. From this epoch at least Italian writers date the above usage by the testator's will, a practice sanctioned more by taste, pride, and ancient habits, than by any conviction of its justice or utility; and which has been condemned by those who cannot see in vast wealth divided amongst a few, any proof of national

* The "*Unità*," unit, or florin, was estimated in the calculation of the ancient Decima as the representative tax of 1000 crowns of capital.

prosperity and yet consider such prosperity as the great end of government. Whether, as some assert, primogeniture and entails obstruct the circulation of wealth, beget bad faith, encourage indolence pleasure and debauchery; whether they nourish vice, check population, hurt agriculture and break the national spirit of independence; whether they enrich a few at the expense of many, create paupers on public resources, or in many and various ways produce effects decidedly adverse to public happiness and morality, are questions not now to be discussed; but that Leopold in common with other unprejudiced men considered them as highly prejudicial, may be believed from his strenuous efforts to abolish them along with every feudal holding in the state; for property entailed on eldest sons is in fact a remnant and modification of feudality, great riches perpetuated in a single line being a good substitute for privilege and the simplest means of acquiring it. As men grow rich they insensibly encroach something on the power of law, and either purposely or unwittingly, more or less, subvert justice; misrule becomes in a certain degree *their* strength and the poor man's weakness, while good government, *his* only safeguard, circumscribes their power. The rich are therefore always and naturally tending, from their position, to a state of moral and political corruption; not so much by their own fault as the innate force of circumstances wherever they remain unwatched by self-examination and unchecked by high moral principle. Francis perceiving some of this evil restricted entails to the nobility, and Leopold indirectly aimed a blow at the whole system by a mandate of the fourteenth of March 1782 declaring that all joint entails were to be considered as dissolved from the moment when any single parcel of the property had passed through the four degrees named in the law of 1747, but without prejudice to living persons therein included. Thus all things remained until 1789, during which interval Leopold narrowly watched the effects of both the free and entail systems

on commerce and agriculture: he perceived that entails prevented circulation of property to a large amount, while by the leasing of public lands the movement of these two great wheels of public wealth and prosperity was mainly assisted, and therefore bent his mind to further inroads. Secure unfettered transfers of real property, and their result in its more rapid circulation, had infused so much life into extensive districts previously neglected and fruitless, as to produce abundance of wholesome industry and exhibit a cheerful contrast to the inactivity of other parts still under the influence of entails and primogeniture. While anxiously contemplating and comparing these two pictures, the Grand Duke felt himself justified in issuing a general prohibition against tying up any description of property in any manner or for any time however short, if by so doing its alienation were prevented, or its subsequent restitution to others enjoined, and consequently the evil of calling several persons successively to inherit. This did not prevent the willing away of property without conditions, or making it over during life to any person either born or in embryo at the moment. While any deed adverse to this law was declared null, all existing entails were confirmed, even for unborn persons proceeding from those marriages already contracted at the publication of the edict; but only as regarded *their* particular share of the property, and provided that the entail were not affected by the laws of 1747 and 1782. Jointures were left untouched to the original party and those who shared her rights by liens on such property; both of these were placed on a level with claims for funeral expenses and medical attendance during a last illness; so long at least as the parties were living, but not beyond, even in favour of children*. Thus every precaution was taken to secure existing rights and avoid retrospective action; but this law was nevertheless violated by the ministers of the young and inexperienced Ferdinand III., who sold the right of entail

* Edict, 23d February 1789.

as a bonus to facilitate public loans; for strange to say, such helps were soon necessary to an exchequer which Leopold had left so flourishing! But Ferdinand while young, and ere adversity taught him, was often deluded, and persuaded by selfish bad and artful ministers that he followed out Leopold's plans when he was only made the instrument of their destruction*. Innovations must indeed have immediately occurred, for in 1799 the French government found it necessary to pass a new law on entails: the preamble to this pronounces "*Fidecommissi*" to be against liberty and equality, that they perpetuated great riches in a few families to the injury of commerce and danger of public peace, and were therefore abolished for ever: those settled by living persons were annulled; two-thirds of any entailed property became free if no immediate heirs existed or were likely to come; and five-sixths when such heirs were actually in being; so that the third and the sixth part thus left in fetters was to descend untouched to the persons included in the entail. At the restoration in 1814 there was another change, and the law now in force secures half an individual's property to younger children in equal portions, the property being divided into twelve parts called "*Ounces*" one of which devolves on each child by law unless their number exceed six, which of course diminishes the shares, and the contrary; but parents retain full power over the remainder which commonly goes to the eldest son. This is a fair arrangement inasmuch as it insures provision for younger children, gives parents some control over prodigals, and the power of helping those least fortunate in their domestic establishments or professional pursuits, while it retards that rapid crumbling of property into minute particles which has been so much, but perhaps unreasonably censured as respects France. Property like quicksilver may be divided into many parts, but its ten-

*Memorie Sulla Costituzione di Governa dal Gran Duca Leopoldo I°., dal Senatore F°. Gianni."—*Printed but not published.*

dency is to re-unite and accumulate by motion. In Tuscany no difference of opinion seems to obtain about the decidedly beneficial consequences of this division; it has improved the people's condition, spread population and accompanying prosperity over extensive districts which were previously barren and deserted, and has studded the land with a race of independent yeomen amongst whom must be sought the moral strength of every country that possesses them. The present Grand Duke Leopold the Second seems to be now (1835) endeavouring to restore primogeniture, in certain cases, by a sort of by-law, which establishes commanderies in the order of San Stefano consisting of a specified amount of landed property belonging to that order, or attached to it now for the first time, which are inalienable and entailed on one or two different generations of persons, apparently along with the title, in regular male succession, and thus forming a fresh nest of hereditary nobility with titled and entailed estates. If this principle be once reëstablished; though now very unpopular amongst the grave and wise; means will soon be found to extend and perpetuate it: but there is no help, for the sovereignty is absolute.

Whether from a prompt and vigorous execution of the laws or some other of those causes that drive men from audacity to cunning to effect their purposes; for vice may be diluted, or like steam expanded and contracted, but not utterly destroyed; the crimes of cheating and swindling had become so frequent as to call for government's especial interference, wherefore by a mandate of July the fifth 1782 the Auditor Fiscal was ordered to proceed against them "*ex officio*" in order more effectually to counteract any indisposition and forbearance to prosecute on the part of those who suffered: pursuing this subject Leopold endeavoured to remedy the want of education, which coupled with neglect and good-natured easiness in parents, engendered habits of vice that made many young people of both sexes a torment to their families and disturbers of public tranquillity.

Wherefore by an edict of 1782 all such as were declared to be of this character by parent or guardian might be placed by them in a house of correction after a formal application to the Giusdicente or the commissary of their quarter at Florence. A close investigation of every circumstance was the first step; then the Auditor Fiscal's sanction, which could only be given in such cases as by the common course of law would be punished by imprisonment: none could be thus condemned under fourteen years old, or for a longer period than three years; but during their confinement the exercise of some trade or profession was compulsory, all teachers and masters being provided by government at the family's expense if in a condition to afford it. Practical mitigation coupled with prompt execution of punishment were the principal means used in this instance for the suppression of crimes, but Leopold considered that even in its punishment the most striking and public example should be made with the least personal suffering; and that it was due to a just government to show that no favour, indolence, cruelty, or arbitrary conduct influenced the execution of the law. He accordingly commanded that every culprit condemned to public labour, or three years' imprisonment should be previously exposed for one hour by sound of bell before the jail with a label expressing his name, crime, and sentence, which was to be worn during the whole period of condemnation. This attention to criminals sprang from the same spirit as his anxiety to mitigate the condition of poor debtors, which notwithstanding the act of 1777 was still too harsh for the sovereign's benevolent notions of social justice: he continued to think incarceration for merely civil debts, when occasioned by misfortune, an act repugnant to humanity charity and Christianity, never equal to its object, and frequently injurious to creditors themselves: while careful to preserve the defences of good faith and integrity, and the legitimate bulwarks of trade, he by an edict of October 1782 abolished personal arrest under

severe penalties against any judge or court that should presume to disobey; and previous renunciation of this benefit by debtors was declared ineffectual. Mercantile debts, especially when connected with bills of exchange, assurance, freight, consignment, and such transactions, were particularly excepted, although other contracts between persons not in trade were to enjoy the full benefit of this law: in these cases personal arrests were to be preceded by an execution on the debtor's goods, and other provisions, all tending to prevent unnecessary cruelty to those in misfortune and also to shelter honesty from knavery. But unsatisfied with the working of this act after six years' experience, and still benevolently indefatigable towards imprisoned debtors, Leopold decreed by a rescript of May 1788; published in July; that to prevent confinement from being prolonged by the mere caprice or obstinacy of creditors when really insolvent, a debtor's sentence of inability should be summary and without judicial forms, the truth alone having to be considered by four metropolitan commissioners who acted for the suppressed magistracy of the *Stinche*: this might be done in any extrajudicial manner they thought necessary for the satisfaction of their own conscience; but from such decision there was no appeal. If afterwards the creditor would not consent to a release he was compelled to support his prisoner by the daily payment of a sum of money into the jailor's hands, and once failing, the victim was to be instantly discharged. But even without such omission the debtor was not left to any creditor's caprice for more than eight days when the debt did not exceed 100 lire, and one day longer for every 25 lire in addition up to 1400, when imprisonment ceased altogether*. Sixty days were thus deemed a sufficient punishment for the misfortune of real bankruptcy; after which, or any shorter period of imprisonment proportioned to the debt and without any responsibility for the cost of maintenance, the prisoner was set free.

* 100 lire is about 3*l.* 7*s.*, and 1400 lire about 46*l.* 15*s.* sterling.

The creditor, notwithstanding this act, forfeited no claims on the debtor if subsequent events ever enabled him to pay; and if the latter were a stranger he might be released on bail, in default of which he became liable to sixteen days' imprisonment for any sum under 100 lire, and two days additional for every 25 more, but then discharged as a native. Many new instructions to criminal courts of justice were this year published principally to alleviate the condition of prisoners: the period of incarceration was shortened to the utmost, and if in solitary confinement the culprit's health was to be preserved and all necessary assistance afforded; trials were accelerated, cells kept clean and ventilated, and prisoners placed, at least one day out of seven, in an airy apartment: law-suits, which seem to have been rife in Tuscany, especially amongst cattle-dealers, were discouraged by new laws; many unnecessary tribunals, such as the *Chamber of Communities*, that of the *Tratte;* the canals and drains of Pisa and others, were abolished, and three of Leopold's great objects, namely the control of the priesthood, the bridling of ministerial influence, and the prevention of litigation now principally occupied him.

Herodotus, describing the manners of a certain people, tells us that all the sons followed their father's occupation; a herald's son was obliged to be a herald although he had by no means the loudest voice; and if voice only were required there could not be a more appropriate satire on so absurd a custom: yet to this state did the Tuscan government of 1738 reduce the manufactures of glass in *Montajone,* the birthplace of Scipione Ammirato the younger; because the inhabitants applied themselves to that trade more successfully than any other people in Tuscany. In order to encourage men, who in despite of all obstacles merely by their own energy and without extraneous aid were already become skilful and prosperous, Francis II. commanded that no glass manufacturer should employ a workman whose time had not been served at Monta- A.D. 1783.

jone or under a native of that place, and forbid that people to instruct any but their own children in this art under a penalty of 25 crowns! The Medici had previously interdicted their working in foreign countries or employing foreign workmen amongst themselves without a special license, but a short note of seven lines from Leopold removed this strange piece of legislation and left that town and the rest of Tuscany free. This art flourished in Montajone even as far back as 1402: the population however had dwindled, in something less than two centuries, from one thousand and seventy-seven to nine hundred and eighty-six souls in 1745, but rapidly augmented under Leopold's influence and amounts at present to about twelve or thirteen hundred persons *.

A remarkable instance of the Grand Duke's caution about reforms appears in his very gradual extension of municipal self-government: commencing with Volterra, in 1772 he next year tried the communities of San Giovanni, thence extended it in 1774 to the contado of Florence; at the close of that year to the district; in 1776 to the Pisan territory, and finished at the metropolis in 1781: but the Maremma, or lower province of Siena, which with its fifty-six communities had been differently governed, still remained subject to the *Canal and Drain Office* at Grosseto. The time however had arrived when it became expedient to put this province on the level of others; wherefore by a regulation of March 1783 he granted local constitutions to all these communities, varying in details but one in principle. For the better securing of their independence and the checking of any illegal influence from state functionaries, all Giusdicenti were forbidden to interfere with the General Assembly's sessions unless especially invited by the chancellor, who was only to send this invitation for debates on extraordinary expenses, but to exercise no vote, and with strong injunctions not to be present a moment longer than the time

* Repetti, Diz. Geo. della Toscana.

occupied in discussion, or only if necessary for the sake of modification. To these some general instructions were added for the purpose of showing those things likely to be useful or burdensome by combining economy and efficiency, and like almost all Leopold's acts they were conceived in the true spirit of Beccaria's maxim "*The greatest happiness divided amongst the greatest number*" *. To augment municipal resources he declared by a "Notification" of April 1783 that all walls and other fortifications of towns not liable to the gabella should belong to the community and become disposable by it; and coupled with such concessions was a rapid extension of the "Allivellazione" system, which had become so generally beneficial that ancient leaseholders were continually applying to be placed within its action: this occasioned some additional instructions and censures to various communities for their delay in carrying out former decrees.

In the month of June a convention similar to that previously made with Lucca was established between Genoa and Tuscany for the reciprocal delivery of those accused of homicide, robbery, forgery, and other grave offences, amongst them that of "*Lesa Majestà*" which was then most curiously interwoven with many others of a totally different character. A similar principle to that which dictated the suppression of sanctuary may perhaps serve to justify such contracts between conterminous nations, and when the specified crimes are those acknowledged as such by all civilized people, and the security and peace of both frontiers endangered or disturbed, much may be said in their favour, but more from expediency than justice, unless extremely limited in their operation: such treaties are commonly open to great objection and abuse; and in this one, by including treason against the sovereign's person, Leopold probably found himself compelled to yield something to Genoa; for he had already determined to abolish that crime, and never

* "La massima felicità divisa nel maggior numero." (*Dei Delitti e dell' Pene*, p. 2.)

to put the law against it into execution if he could help it, while his criminal code remained unpublished, by which it was formally excluded from the statute-book.

On several occasions royal decrees were issued to check the dangerous and loathsome custom of burying the dead in towns, but Leopold did not at once command its discontinuance lest the sudden expense of "*Camposanti*" or public cemeteries in the country should prove too much for municipal revenues. Being nevertheless convinced of the evil of delay he ordered that when public vaults became offensive, burial-grounds should be promptly inclosed and no new vaults opened; but recommended that nobody should wait for this state of things. Archbishops and bishops alone were allowed to retain the privilege of being entombed in churches, and all family, convent, and parish vaults were closed for ever: nuns were entreated to follow this example; but unwilling to press too strongly on the weakness, prejudice, and utter repugnance of these females to comply, he advised them to inclose a portion of their garden for this purpose, if living in the country; those in cities being placed under the police; but in 1784 all were reduced to legal obedience. Stones and tablets might be placed in churches, and also in cemeteries when large enough, and very minute instructions were issued about the choice of ground for these silent gardens of repose. In deference to public opinion places were selected not exposed to the predominant winds which were supposed to waft exhalations from the dead: dry ground also, even to eight feet deep, was thought preferable and most conducive to rapid decomposition; clay was avoided because it neither absorbed nor filtered, but crumbling arenacous ground was always to be preferred. Minute directions were given about the form, size, and depth of graves and cemeteries, with the view of making it unnecessary to re-open the same grave for twelve or fifteen years; but with the aid of quick-lime six only were considered enough for complete decomposition. Funerals

were ordered to be conducted without pomp or publicity. If grief be unreal such pageants may be considered mockery; if sincere needless and often injurious: as public testimonials to public worth they are justifiable, honourable, and soothe the peculiar feelings of our nature; for the respect paid by others to our dead is a tribute to their excellence; but the evanescent honours lavished by ourselves proceed either from pride or the selfish though pardonable luxury of grief, and are frequently rued by the living! The deceased feels them not! The undertaker alone is benefited.

Night or an early morning hour were the seasons nominated by Leopold for such ceremonies: his wish was to spare the survivors, not to wound their sensibility, for this in consumptive cases had been much hurt by unnecessary interference. About the middle of the eighteenth century this terrible malady from some unknown cause was so alarmingly increasing at Florence that the legislature deemed it necessary to interfere, and under the penalty of 100 crowns ordered reports to be made of every death from that insidious illness, in order that precautions against infection might be instantly taken by fumigating the chamber and effects of the deceased. This caused heartless official visits, intrusions on the moments of deepest grief or most violent agitation, when both were sacred, and should have been inviolable. But Leopold being much less impressed with the belief in contagion than the cruelty of thus intruding on domestic misery, abolished these painful visits by an act of the first of October 1783 and trusted to individual prudence for taking the necessary precautions against infection.

As a step towards the wholesome exercise of public feeling the Grand Duke had already submitted a proposal to the several communities for modifying the "Sigillo" and demanded their opinion, which was in fact that of the nation at large: this was now re-considered, together with an old tax on the site of slaughter-houses, and new regulations about both appeared in December

1783 for those places where they had neither been abolished nor included in the gabelle. By these regulations the annual monopoly of the flesh-market was to be sold by auction as before, but the contractor had now a district of butchers answerable to and depending on himself; he was moreover authorized to send meat to every individual tradesman of his district and at the same time collect the duty. In all unhealthy places the "Sigillo" had long been abolished, but the right of collectors to enter any house, search it, and carry off every morsel of meat on pretence of the duty not having been paid, was in less favoured districts an abuse arising out of its very nature which such a prince should not have allowed, even for an instant, after he became cognizant of the fact. Large towns were generally freed from this vexation, but remote districts and obscure places suffered all that sort of tyranny which petty oppressors know so well how to inflict on the powerless *. Yet Leopold allowed this state of things to remain until 1788; for although by the present law he declared such perquisitions inadmissible as evidence, they not only continued but were pursued with great pertinacity and excessive vexation until a rescript of that year totally though tardily abolished them: by this the burden of proof was shifted from the individual to the contractor, who was permitted to use every legal means, but no domiciliary search, to prove his charge.

Amongst other changes of the year 1783 the "*Academy of Florence*," the "*Della Crusca*" and the "*Apatisti*" were united under the name of "*The Royal Florentine Academy;*" an act much blamed; for notwithstanding the "Della Crusca's" decline, its former celebrity had endeared it to Florence and Tuscany if not to Italy at large, and rendered it generally interesting to Euro-

* In three communities alone this tax amounted to about 9573 "*Lire*" of revenue, or about 320*l.* sterling, and reckoning the communities at 250, it would perhaps give an average revenue of $\frac{250}{3} \times 320 = 26{,}666l.$ sterling; a sum of no small consequence in so poor a state, but probably much under the mark, because cities and rich communities would render far greater revenues, and with no expense in the collection.

pean literature. Alfieri dashed off a bitter sonnet on this subject, but still acknowledging that the venerable mother had long neglected her parental duties; and it was probably more fancy than reason that so inspired him *.

The division of royal and corporate lands into small portions and their distribution on perpetual leases throughout Tuscany have been mentioned as fixed objects in Leopold's mind; thence resulted continual alienations of public property and a corresponding decrease of national debt and taxation from such sales and rents. Regulations and instructions were repeatedly issued to promote this object as one of the most essential to public welfare in various ways, but especially in its check on the accumulation of property by a few great landowners, which was proved to be a powerful obstacle to the flow and circulation of national riches from agricultural sources. His maxims were, that as the soil would only yield fruit in proportion to the amount of labour bestowed, it became the sovereign's duty to promote its most extensive division consistent with the encouragement of a close and active application of such labour as might prove most conducive to production: that a vast breadth of crown and corporation land was owned by those of all others least adapted to facilitate active industry and agricultural prosperity in any country: that the A.D. 1784.

* "L'idioma gentil, sonante e puro,
Per cui d' oro l'arene Arno volgea,
Or giace afflitto, mesto e mal securo,
Privo di chi '*il più bel fior ne coglia.*'
Boreal scettro, inesorabil, duro;
La Madre ha spento e una Matrigna or crea,
Che un dì farallo vilipeso, oscuro,

"Quanto caro un dì l'altro, e bello il fea.
L'Antica Madre è ver, d'inerzia ingombra,
Avea gran tempo l'arte sue neglette;
Ma per lei stava del gran nome l'ombra.
Oh Italia a quai ti mena infami strette
L'esser da Gote ancor non ben disgombra
Ti sono le nude voce anco interdette!"

existing management of this property was fraught with evil to the poor; with loss and embarrassment; full of minute details, and clogged with expenses that obstructed its administration, absorbed profits, occasioned hurtful operations, carelessness, peculation, and other disorders almost inseparable from it, and finally deprived the public of any benefit from their own possessions. Landlords so far removed from the soil as were the crown and the municipalities could only in his conception take a bird's-eye view of it and were consequently the worst patrons of production that could possibly be given to agriculture; while on the contrary small proprietors and labourers were its nearest and most active improvers. He moreover considered that the farming system then prevalent in Tuscany as touching the welfare of labourers or colonists, had generated a class of mere serfs, paid only by a yearly subsistence to improve the capital of others, but without stimulus or any prospect of advancing their own condition beyond that low and narrow bourn which confines human views to the simple gain of daily sustenance, and thus keeps him scarcely above the level of irrational beings without their instinct or enjoyment. Leopold thought it a sovereign's duty to procure for this class a real interest in the land, that they also might share those feelings which property creates, and thus be stimulated to give the public its portion of the fruit resulting from private exertions and individual interests, namely an augmenting national wealth. Following such views the administrators of public property were instructed not to look at the narrow interests and private economy of their charge alone, but with more extended views over the wide expanse of public welfare; and rather consider themselves as agents to a system of universal good than factors to private individuals with the sole object of personal gain. In so rigorously applying these maxims to crown lands Leopold did not consider owners of great estates in any way exempt from similar responsibility: such people, with a surplus income far

beyond all legitimate necessity and social comfort, frequently outstepping every demand of luxury, and even exceeding the wildest caprices of fancy, are accountable to the nation, their own conscience, and their God for the amount of suffering designedly or negligently caused by their own conduct to dependents. For every purpose of society and humanity they are petty princes with sovereign duties and responsibility; they are public rulers in proportion to their local power and influence; their possessions are public in proportion to the extent and population; and that population is as it were their subjects: wherefore its care should be their duty, its happiness their object and its prosperity their most gratifying reward. The property of such people, though legally is not morally their own, and brings with it duties that may neither be trampled on nor omitted without a crime, and will not be so with impunity! The hour of retribution must come! They have no more right to let their clients languish in want, ignorance and idleness nor to restrict their honest industry, than they have to let the soil lie idle while hundreds are starving around them for want of land or labour to subsist on! Justice, nature, humanity, all are outraged and they are never outraged with impunity*!

Under such impressions without much care for personal gain Leopold wished to afford a fair scope to industry; he desired to create an independent race of rustic families free of any landlord, and with them augmented national strength and happiness; and this was accomplished by his *Allivellazioni*, and sale of public lands in small farms. In granting these the field labourers were preferred as coming into more direct contact with the soil, therefore deserving the preëmption of its fruits; the families actually tilling the disposable ground being first chosen and care taken that the rent should not tax labour too severely by an undue absorption of profits: on the other hand no forbearance was ever to be shown in

* This was written in 1835. The present state of Ireland is its comment.

the exaction of regular payment, in rejecting excuses for delay, or in refusing all compositions for rent; a practice which involved the tenant in difficulty and ultimate ruin. For similar reasons prompt payment was preferred to a higher price, and sales to leases; because the expense of management was saved to government and the division of land in fee-simple amongst a more numerous class of small proprietors obtained: but when leases were granted, a heavy fine and a low rent was recommended, instead of the contrary. A year's rent, where it could be had, was taken as security with an interest of three per cent. to the tenant on this capital, the sinking of which proportionately diminished rent. Persons not permanently residing on land thus acquired were refused the right of preëmption in case of sale, especially those dwelling in the metropolis; because one great source of Tuscan poverty and depression, which in some provinces had arrived at a frightful extent, was absenteeism, the continual desertions of their estates and rural occupations by proprietors who from love of dissipation or other cause resided permanently in Florence. All great landowners were of course excluded from such purchases because their competition would not only have counteracted Leopold's principal object, the division of property, but also check rural prosperity by retarding the "*Coloni*" or labourers' emancipation from predial servitude. The administrators of such property were earnestly impressed with the necessity of admitting no delay or excuse for non-payment of rent, as lenity would confuse the whole system and public leaseholders would become public debtors, useless, and insolvent; wherefore, by those who only judged from effects, the measure would be unfairly considered and even condemned for faults attributable to mal-administration alone. As leases were only granted in the absence of buyers, so whenever tenants wished to purchase, every facility was afforded and proportionate expense spared to proprietors, but these being the crown or corporate bodies were

bound to lodge all proceeds from such alienations in public securities according to the law of mortmain and for a more rapid liquidation of the national debt *.

After another series of law reforms and the suppression of the "*Pratica Secreta*," the offices of auditor fiscal and conservator of laws were dissolved and their business given to a new functionary called "*Il Presidente del Buon Governo*" in conjunction with the president of the supreme tribunal: the first mentioned officer's duty was and still is to superintend everything connected with the police department of Tuscany and to have weekly communications on this subject with the auditor-fiscal of Siena, the commissary of Grosseto and all the provincial Giusdicenti. He was responsible for convicts, could postpone their departure for punishment, and directed the four commissaries of Florentine police; all inferior police officers throughout Tuscany were appointed by him except the "Bargello," his lieutenants, and the chiefs of divisional police, whom he could only suspend: he superintended the fisc, the payment of all judicial expenses; the house of correction, the jails, the "*Bagni*," or convicts' prisons, at Leghorn Porto Ferraio and Pisa; was a visitor of the metropolitan jails, had the conservator of law's authority over provincial governors and their ministers, and consequently assisted in the examination of doctors of laws and notaries, if candidates for the latter appointments: he proposed all vicars, podestàs, and public notaries, and had a general control over the jurisdictional department of provincial officers, and over their salaries pensions and emoluments: he could impose pecuniary penalties, inflict a month's imprisonment or six months' banishment from the spot, whether in town or country, and for five miles round, and also condemn dissolute youths to the house of correction or a certain period of military service: for all beyond these he was to consult the supreme court of justice. To this court was

* Instruction of March 3rd, 1784, in sixty-six articles.

intrusted the entire supervision of criminal justice, formerly the auditor fiscal's duty whose power of confirming sentences by his sign manual was now abolished, the president of the supreme court being allowed only to give his simple vote after those of the auditor and assessor with an appeal if requisite to the "Consulta" for final decision. All his subaltern officers as well as provincial governors were dependent on him in criminal matters and the annual passing of their accounts, as well as for their tenure of office, from which he could suspend them after having given due notice to the "President of Good Government." He was guardian of all prisoners, superintended their treatment, listened to complaints, and made regular monthly visits to jails, or oftener when deemed expedient: he assisted the "Consulta" in cases of pardon on all criminal matters, in the examination of notaries, doctors of law and other provincial officers, and judged those causes which had before been under cognizance of the *Pratica*, and both these functionaries attended the annual scrutiny of advocates and attorneys where they assumed the chief seat with equal rank.

Various minor reformations and alleviations were continued at a considerable sacrifice of revenue, innkeepers amongst others could not before dispose of their property without leave from the salt-office, wherefore the law of 1782, which had only relieved Florentines, was now universally extended; but country innkeepers were still held responsible for not having their houses well supplied with provisions, apparently a superfluous act, yet perhaps justified by some local circumstances not now patent. The "*Messani*" or public salesmen (probably a remnant of the republican "*Caorsini*") without whose aid no mercantile transaction however trifling could be effected, were now altogether abolished; for though Leopold had already controlled their influence they still retained sufficient power to impede both trade and agriculture: more effectually to assist the latter and at the same time augment population, he had been long encouraging

the building of rural dwellings by granting pecuniary assistance in the poorer districts, and with consequences so beneficial as to justify his extension of this system throughout Tuscany: wherefore it was notified in September 1784, that one quarter of the expense incurred in erecting a new dwelling or reducing a deserted one to a habitable state, would be paid by government provided that the outlay were not under 400 lire or 13*l.* sterling. By a particular edict he about the same time endeavoured to remedy an incipient abuse in the local administration of communities which portended mischief. The treasurership, a situation of vast importance, had gradually but exclusively settled in a single family of each community; whereupon Leopold, foreseeing the consequences and probably the secret causes of this, at once prohibited that office from being held by the father, son, or brothers of the actual functionary for the space of six years after his quitting it; so soon had these corporations begun to corrupt and show Leopold's sagacity in still retaining the supreme power over them. This was an incipient evil, well watched and early checked; but long demoralization had created others and made the theatres of Tuscany, especially of Florence, so many hot-beds of licentiousness utterly destructive of honest industry. Leopold, even as far back as 1780, had striven to arrest the mischief by restricting histrionic performances to the regular French and Italian drama, and forbidding all charlatans to exhibit in country places; but a taste for the latter had taken extensive hold of the people together with the fancy of wearing masks, both of which were found to generate such immorality as required a speedy and decided check, more especially in the provinces where their effects were doubly injurious: an edict was consequently issued in March 1785 which restricted the metropolitan theatres to four, and to one in each of the fourteen principal cities of Tuscany; masks being allowed only at Florence, Pisa, Siena, and Leghorn, and during the carnival alone: private acting, if money were taken, was prohibited

A.D. 1785.

along with every dramatic representation in convents, monasteries, female "Conservatories," and colleges of education, in which apparently much profane amusement, and something worse, was tolerated; a circumstance which coupled with other facts may account for the great convent-mania at this moment so prevalent in Tuscany, to check which occasioned much trouble and anxiety to the sovereign.

From the ferment of free political institutions, abuses anomalies and injuries bubble up into early notice, A.D. 1786. and though not promptly abated acquire at least an infamous notoriety which often checks them: in absolute monarchies, even under the best intentioned princes, they are longer concealed and work more silently; but in both are protected by every trick, artifice, and plausibility that ambition and self-interest so well know how to employ for the promotion of their own secret objects. Many of these abuses still silently vegetated in Tuscany notwithstanding all the sovereign's care, especially amongst the feudal nobility, a class of which he was wisely jealous, and resolved to suppress. By a law of 1749 both persons and goods of feudal lords were made civilly and criminally amenable to the same legal powers as other men, but by a strange anomaly or oversight, the privilege of nominating a vicar to represent them as judge in their own territorial courts was left untouched: it followed that in all those cases where the lord was a party, therefore his deputy could not fairly preside, and the royal vicar to whose government such fiefs belonged necessarily judged the cause. But in this officer's absence the feudal vicar became his surrogate as well as the lord's deputy, and thence apparently some strange incongruities and probably much injustice ensued; because it must have happened that in cases where the chief was a party, although the vicar could not decently judge in his feudal capacity he might do so as surrogate to the crown. As this could no longer be tolerated, a circular of February 1786 altogether abolished the practice

without any consideration for barbarian rights vested interests, or ancient feudal privileges.

Yet it was not the regions of antiquity and barbarism alone which threw up such weeds; the recently-cleared and planted soil of the communities, the work of enlightened philosophy, was already, as we have seen, producing some noxious shoots; and tricks and cunning and dishonest actions soon began to pervade the election and administration of municipal assemblies. But as this was natural, a circular of March 1786 directed the attention of all "Giusdicenti" and chancellors of communities to the subject, which even thus early had illegalized some municipal proceedings and vitiated many public acts. Nor was such conduct limited to corporate bodies, for the relaxation of the debtors' act and partial abolition of personal arrest had already encouraged bad men to practise deceptions by concealing their property or conveying it to a third party, and using similar expedients to defraud their creditors. To prevent this, all such offenders were ordered by a decree of the twenty-seventh of March 1786 to be criminally prosecuted by the crown as cheats and swindlers, in addition to the creditors' suit.

Amongst the older abuses of Florentine government, either law or custom had established at various times and on particular occasions, an unregulated mass of fees in every court; all on the unjust and mistaken principle of putting the whole burden of justice on litigants, a principle that favours riches at the expense of poverty, while with insulting gravity it declares that "*The law is open to all.*" Leopold retained the principle, but not being quite convinced of its just application, partially reformed the grievance by publishing a single scale of fees for every court of civil jurisdiction in Florence. A law of 1578, and two of 1580, subsequently confirmed by others, were, with all the characteristic vitality of oppression, still in activity, and still compelled the *Coloni* of the Florentine contado and district, to keep in repair by forced labour all the ditches

that skirted both high and bye-roads, after the manner of "*Comandate:*" this in addition to their fair proportion of public burdens was in fact a heavy load of personal slavery, which was now abolished altogether and the task thrown upon neighbouring landowners. Still unrelaxing in the cause of poverty Leopold about the same time gave further relief to the poor inhabitants of Valdinievole by dividing them into four classes, assisting each to build small stone cottages instead of the wretched mud hovels which they previously inhabited: to the first class one quarter of the expense was repaid, to the second seventy crowns, to the third a hundred; but every expense for the fourth class was voluntarily incurred by the crown, as being too poor to build and yet suffering from the effects of miserable dwellings in marshy unwholesome places. The establishment of municipal self-government at Siena followed this beneficence, but the crowning measure of the year was Leopold's code of criminal law, the practical application of Beccaria's philosophy by no uncongenial mind, and, considering times and circumstances, one of the most honourable monuments ever erected for the use of existing generations and the admiration of posterity.

From the moment of his accession the investigation and reform of criminal law became one of Leopold's most anxious duties and was continued through the greater part of his reign: he soon perceived that it was not only too severe, but generally founded on maxims only current during the turbulence of darker ages and the worst periods of Roman decay, but particularly unsuited to the altered circumstances of Tuscany and the existing character of her people. He accordingly began by occasional mitigations, by periodical instructions, and special edicts, to temper its rigour; virtually and gradually abolishing death, torture, and other penalties disproportioned to the crimes they were intended to correct, until at last by a searching investigation and the support of experience he

was enabled to accomplish a complete revolution in criminal jurisprudence. He had remarked that moderate but prompt and certain punishment, strict attention to prevent crime, and immediate trial, instead of increasing transgressors had materially diminished smaller offences and made those of an atrocious character comparatively rare; therefore it was resolved not to defer the complete reconstruction of such laws: by these the pain of death was to be formally abolished as unnecessary to the objects of society; the use of torture utterly suppressed; the confiscation of property, which wronged innocence without alarming guilt, prohibited; and a long list of crimes called high treason, ("*Lesa Maestà*") invented in wicked times by a refinement of cruelty, banished from out the land. Having finally completed his labours by proportioning punishments to crimes, but making them inevitable; Leopold published his famous criminal code on the thirtieth of November 1786, to the surprise and admiration of every state in Europe. All criminal prosecutions were to be thenceforth commenced by the public accuser ("*Querelante Publico*") or the aggrieved party through him, the latter becoming liable to prosecution for calumny if the accused were innocent, but the "Querelante" only became obnoxious to law if the name of his informant were concealed. Criminal cases were to be prosecuted *ex officio*, whether the plaintiff were steady or not, except some of a more personal nature such as fraud, petty-larceny, seduction, rape and adultery; but even in these if the offender were notorious the several courts were bound to watch him as a suspicious character. A law of 1679 which left the accused free to make oath or not in matters that affected himself, was now extended to a prohibition against swearing on any subject likely to affect his own cause or the character of others, even though they should be his accomplices in crime, or that he should demand to be put on oath for self-justification. The oath previously taken by all plaintiffs when complaints were laid before

the "Querelante," also ceased; because the punishment that would inevitably follow a proved calumny was considered sufficient check; witnesses against a prisoner were equally exempt from oaths, unless the latter demanded it after reading a copy of his own process. Thus the evidence of witnesses, each *liable* to be sworn at any moment, was deemed equal to that given under oath, and in cases of outlawry ("*Processi Contumaciali*") these unsworn depositions were always to be deemed sufficient: the judge was moreover bound to inform witnesses that all laws human and divine forbid man or woman to give false testimony or declare themselves ignorant of what they knew, and that they might at any time be summoned to attest by oath the truth of their forthcoming declarations. But the whole juratory system, as diminishing that reverence due to the name of God and becoming contemned and useless from frequent repetition, ceased in almost every case; and even where retained, a grave admonition from the bench was always to precede any administration of oaths: they were moreover not to be effected by the trivial mockery of touching a book, but by solemn acts of genuflexion before the crucifix. The accused instead of being compelled to examine adverse witnesses without having either seen or heard their evidence, according to ancient custom, had now a copy of the prosecution, which was also published, and time allowed for him to cross-examine the witnesses as he pleased touching their evidence, but without prejudice to other parties.

In those cases where punishment only amounted to pecuniary fines the accused could not be arrested until cited to appear, and then *if requisite*, be imprisoned; but only for the shortest possible period consistent with justice and the necessary discovery of truth, after which he was to be liberated on bail: yet if he refused to appear on two citations force was used and the prisoner brought into court at his own expense. If the crime involved corporal punishment the issuing of a writ was

left to the judge's discretion, but with strict injunctions against any inconsiderate use of it, especially when the penalty of imprisonment was alone incurred. The power of admitting persons to bail when demanded was also left discretionary with the judge if hard labour or any milder punishment followed conviction; in all other cases the expediency of granting such demands was to be decided by an open inquiry into facts or on some other public expediency.

Witnesses were now no longer to be tried for refusing to give evidence on points of which they were *presumed* to be cognizant unless the existence of that knowledge were fully ascertained; and no stricter incarceration or any greater severity was to be inflicted even if the concealment of such evidence were legally proved.

In those cases where the prisoner's confinement during trial became necessary, all witnesses for the prosecution were nevertheless to be confronted with him, and the same publicity upheld between two accomplices unless the judge in either of these cases should see good reason to the contrary: the latter was bound *ex-officio* to assist the accused either in summoning witnesses or procuring any other means of proof that he demanded as necessary to his justification, and in such cases witnesses were subject to a fine for non-attendance.

The admission of presumptive proofs ("*Privilegiati*") was prohibited on the principle that as they were always irregular they would consequently be unjust, and therefore inadmissible in every case, even the most atrocious; because in every criminal affair the truth should be reached by similar means, and if this sort of proof were not considered sufficient in one case neither could it be so considered in another. Presumptive evidence may approach near but can never demonstrate the truth, wherefore it is better that guilt should escape than innocence suffer from its imperfection; it is hard even for an unbiassed man to say where doubt ends and certainty begins; and how easily may

the line of separation be shifted up or down in the mind of a biassed one! Presumptive proof was consequently excluded from the Leopoldine code.

The then existing law of taking a father's evidence against his son, a husband's against a wife, or brothers and sisters against each other, was confirmed, and extended so as not even to allow judges the privilege of applying for a royal dispensation except in those cases enumerated in the law against murder besides some other exceptions. The judges were commanded to accelerate all trials, especially those of imprisoned persons, which were to take place of any other business; and also to bear constantly in mind that imprisonment before trial was for security not punishment, therefore to be marked by gentleness, and still more so in the confinement of witnesses or merely suspected persons: all this was forbidden under severe penalties at the sovereign's will, and very strict regulations were consequently made about prison discipline, frequent visiting by the judges being most rigidly enjoined. They were also warned that a verbal process before trial had no object but to verify an alleged fact by the most expeditious and simple means, and those the least inconvenient to the accused, wherefore they were ordered to attend diligently to the defence of and charges against the latter, whether present or not, omitting all ceremonies, which in such preliminary proceedings are mere empty forms.

Although every criminal case was to go before its peculiar tribunal, yet if proceedings happened by mistake to commence in another they were still valid, and the proper court could, without royal permission, carry on the process as if begun there so that no plea of incompetency could be alleged, every court being authorized to continue the trial however erroneously commenced, unless the prisoner demanded a removal, which was nevertheless optional with the judge. Before any sentence of outlawry could be passed the culprit was to be cited three times with an interval of eight days between each,

and any neglect of this form made the judge liable to suspension. It had previously been a custom to take the absence, flight, or concealment of accused persons as confessions of crimes; but by Leopold's code these were considered mere symptoms, only to be noticed along with other proofs: the ancient practice was deemed erroneous and unjust, because pure apprehension of a public trial might cause an innocent but weak person so to act, wherefore all proceedings were to be conducted precisely as if in the accused's presence, fourteen days' respite being still allowed for appearance and defence after sentence given: if he came before that time it was to be deemed as in obedience to the first summons, and the sentence was immediately suspended, the prisoner being again free to take any steps for self-defence: all suspicion caused by non-appearance then melted legally away, a new trial under more favourable auspices being instantly commenced: but if such contumacy were continued, judgment still remained in force to prevent any plea of prescription from acting as a bar to its execution, although passed in the offender's absence: when the punishment was pecuniary, six months' respite instead of fourteen days were allowed in addition to all other indulgences.

In those cases involving corporal punishment accused persons were still more gently treated; for both time and sentence became suspended, and at whatever period the offender came into court, whether by legal capture or self-delivery, he was instantly admitted to a new trial and the former sentence confirmed or annulled as might be deemed expedient. If a culprit were still absent at the expiration of three months, the plaintiff as a matter of individual justice could enforce sentence on the goods, and even if possible, on the person of his injurer, unless the latter could prove that such a course would exceed all reasonable bounds of indemnity.

Confiscation of property so often and so cruelly executed in Tuscany, not only for crimes that by an odious, and as it were

convulsive straining, were forced within the bounds of high treason; but sometimes for the simple breach of revenue and custom-house law; introduced only by tyrants to enrich the treasury, and not for public advantage; was now utterly condemned as unmodified tyranny and an unjust appropriation of others' property by government. It was described as a detestable punishment that in most cases only crushed a wretched but innocent family already bruised by misfortune, and shamed by the guilt of one to whom it looked for example and support; or else as damning the guiltless heirs of the offender, who might be infants, nay even unborn when the crime was committed! As such it was at once annihilated, even as a penalty for the most heinous crimes that could ever become obnoxious to legal correction in Tuscany.

Another no less just and benevolent provision of this code was that for compensation, not only to sufferers from others' crime, but also to those who by peculiar circumstances or some other combination of events might become exposed without any person's fault to a criminal prosecution, and be unjustly detained in prison with injured means and tarnished reputation: these amends were to be publicly declared by the judge, their amount determined, and payment made from a fund expressly created for this purpose out of the accumulated fines of all Tuscany. This expression of public justice was considered as an indispensable duty of government, not second even to the prevention, prosecution, and punishment of crime. Leopold moreover denounced as intolerably absurd the barbarous custom of enriching treasuries by pecuniary mulcts for crimes meriting a far heavier punishment and therefore suppressed it.

All secret evidence, though previously allowed to be taken by judges, and although of a trifling nature, or even when tending to prevent subsequent disorder, was absolutely prohibited by the new code, unless accused persons were instantly furnished with it and full opportunity given for their denial of these charges

before a magistrate. In places unprovided with a regular advocate for the poor, counsel was to be appointed by the court, a copy of all proceedings delivered to him, and free intercourse permitted with the prisoner, who even in solitary confinement was allowed to cross-examine every adverse witness. Leopold was early disgusted at the horrible facility with which Medician laws inflicted death for trifling crimes, and as a disciple of Beccaria believed that the real ends of punishment were compensation for injuries, the correction of offenders (whose reformation as children of the state ought never to be despaired of) security to the public that convicted felons should not be left at liberty to repeat crime; and finally the deterring of others from it by public example. He believed that government was bound to punish offenders in a way most likely to unite the greatest efficiency with the least personal pain; and experience had taught him that this was better accomplished by hard labour than deprivation of life; *that* being a lasting example, *this* a momentary subject of terror on the confines of pity; yet tending to harden the heart and often adding fire to ferocity; without even a hope of the criminal's reformation, or any opportunity being given if so inclined. Leopold deeming so rigorous a code unfitted to the milder character of that age, and especially to Tuscany, wiped off the stain of blood from his law-tables and with it every appendage of its former existence. Everybody by virtue of then existing laws might kill, even with a promise of reward, any reputed robber who had been condemned, although absent, for capital crimes; and by a law called the "*Compendio*" of 1637, all Tuscan subjects were *commanded* to pursue and kill those who had been publicly *accused* of murder or other specified crimes, although they had *never been tried, but were only suspected of being guilty!* After the destruction of these bloody records the mitigated but *certain* punishment of hard labour in chains during life, was substituted, and without a hope of pardon or pity for such crimes

as had been previously visited with death and torture for men: and women could now only be sentenced to perpetual confinement in a workhouse, ("*Ergastolo*") even for the greatest crimes against society. Branding with a hot iron, a punishment introduced in 1750 (as if the Medician laws were too lenient and their penalties too few) was now abolished along with mutilation of limbs, and also the *Corda*, a torture already noticed; besides which every gibbet, gallows, and instrument of torment, the bloody relics of a bloody race, were publicly destroyed in front of the Bargello's prison at Florence.

The new punishments were fines, private whipping, imprisonment for one year, expulsion from the Podesteria and three miles round it, or from the vicariate and five miles round, confinement at Volterra and within that territory, banishment to the Maremma, and finally exile from Tuscany for all vagrants, calumniators, charlatans, foreign mendicants, strangers in general, and king's evidence: also the pillory with and without exile, public flogging, the same on an ass's back, public labour for males in proportion to their crime, during various periods from five to twenty years, and in capital cases for life: in the latter, besides the usual iron ring and double chain the convicts were to be dressed in a particular colour and form, to go barefoot, be employed in the most difficult disagreeable and laborious tasks, and have a label on their back expressing the nature of their crime, with the words "*Ultimo Supplizio*" superadded. Women were to be confined for various periods in the House of Correction from one year to the duration of life; their hair was to be cut off and a label similar to that of male convicts attached to those condemned to the greatest punishment.

In addition to these there were about eighteen crimes that involved a public exposure of offenders previous to execution of the sentence: but considering the deeds of men as exclusively personal, and the relatives of a culprit not responsible for his

actions either morally or legally, Leopold forbad that such connexions should be contemptuously regarded or any dishonour attached to them merely because one of the family had disgraced himself; on the contrary he urged their being treated with all the respect due to their own situation and character. Even when a culprit had undergone his sentence he was to be considered as purified and regenerate, in no way infamous, and therefore not to be deprived of the means of rejoining society, or even to have those means diminished or made too difficult; he desired that they might be received like repentant prodigals and welcomed back to the community. Such benevolent legislation might direct thought but could never dissipate suspicion or influence that public opinion by which great offenders must, after all, be judged. With much the same tone of feeling, or perhaps of abstract reasoning, Leopold declared that common executioners of public justice were also respectable, and any opinion to the contrary an error at variance with every real principle of society: they were public servants like the rest, requisite to the preservation of peace and good order in the community, and not necessarily disreputable in consequence of their employment: but here again public feeling would overrule his sentiments. While the disturbance of religious congregations and the inculcation of opinions contrary to the catholic faith had rigorous treatment because they tended to ruffle the surface of society, blasphemy was corrected with a milder hand; experience had proved it to proceed in most cases from ignorance, a disordered intellect, some sudden ebullition, or excess in wine; and very seldom from any real wish to insult religion or the Deity: wherefore simple imprisonment was deemed a sufficient punishment, unless the crime were formally and heretically repeated.

All those laws whose tyrannic and protean character had so varied the crime of high treason, were abrogated as inadmissible to the code of any well-regulated society, and along with them

was dissolved the legal notion of guilt being attached to actions not in themselves morally criminal, but only made so in these treasonable cases to suit the desires of princes. Every attempt therefore against the security liberty or tranquillity of government was by this code to be considered merely as a public outrage and so punished according to the ordinary course of justice; but libels and public slander against government or the prince and his ministers (except insults to judges on the bench) were deemed more worthy of contempt than castigation, wherefore an admonition to the offender from some high functionary, and a reprimand for what had occurred were the only corrections. But insults offered to magistrates in the execution of their duty were severely punished, and with the addition of a public apology; while on the other hand judicial misconduct in any public officer, especially towards minors, widows, and other unfortunate persons, was to be punished as a public outrage and denounced by this code as the greatest injury that could be committed either against society or the sovereign who protected it.

Public calumny by public functionaries was also denounced as not only injurious to the calumniated but as deceiving and damaging the reputation of government, the end of which, being an impartial administration of justice, was defeated and remained unaccomplished when any individual dared to make use of the powers intrusted to him as instruments for his own iniquity. Any persons therefore whether in a public or private capacity, including the *Public accuser*, who made false declarations, reports, or complaints against another, was to be publicly whipped and banished for ever from the state, whether the false accusation were of a crime that exposed the accused to a lesser punishment or not; and the severity of this sentence might be augmented at the court's discretion even to hard labour for life, and also be extended to every instigator and witness of the falsehood.

Excepting manslaughter all homicides were considered as crimes of the deepest dye, and after one hour's exposure in the pillory such criminals were removed to perpetual chains and labour; but death from sudden quarrel or self-defence was dealt with according to circumstances at the court's discretion.

Public officers who inflicted death in arresting accused persons or delinquents were liable to the "*Ultimo Supplizio*" without mitigation, except in cases of resistance, the amount of which was to be duly estimated in court.

Miscarriages if purposely effected came under the law of murder, both principal and accomplice being deemed equally guilty, but an unsuccessful attempt was more lightly punished.

Wounding with offensive arms subjected the transgressor to a penalty extending from mere corporal punishment up to public labour, and if with a deadly intent, to the latter alone: the infliction of wounds or hurts without using any weapon was subjected to fines ranging from 25 to 200 lire, or from 17*s.* to nearly 7*l.* English. Verbal expressions tending to injure character were at the plaintiff's request to be compensated by fine and public recantation; but if written, by imprisonment confinement or exile. Petty larceny ("*Furto Semplice*") if under about 12*l.* sterling was not capital, therefore subject to milder punishment than hard labour, but if above this sum it incurred that penalty for a period ranging from three to twenty years according to the importance of the theft. In burglary, robbery by false keys, domestic thefts, breach of trust, embezzlement of public money, robbery at fires, at the falling of houses, and at shipwrecks, a loss of 25 crowns or about 6*l.* English was sufficient to condemn any transgressor to public labour*. Violence which did not exceed simple extortion or injustice, was punished by public labour,

* The price of fine gold this year was 107 *Lire*, 6 *Soldi*, and 8 *Denari* per ounce at the Florentine mint; and Roman scquins coined in and after 1758 were valued at 13 *Lire*, or 19½ *Pauli*, their weight being 69·81 grains.

only when the loss amounted to more than 50 lire or about 1*l.* 13*s.* 4*d.* sterling; but for robbery with violence or on the highway, especially with offensive weapons, public labour even to the last degree was awarded if the value reached 10 lire or 6*s.* 8*d.*

Church robbery came under the class of burglaries; but premeditated fraud*, forgery†, dishonest administration, and fraudulent bankruptcy‡, were all considered as grand larceny§. The crime of swindling occupies five articles of Leopold's criminal code and was declared an evil for which existing laws, from misconception misobservance or elusion, were not a sufficient remedy; the consequence was impunity for vice, ruin of families and universal injury to the commonwealth. The legal definition of a swindler‖ by Leopold was one who under pretence of lending money gave anything but the current coin; or one who lent jewels, furniture, and other goods instead, making the borrower his debtor for their assumed and asserted money value in cash, and therefore for a sum beyond the real value received; wherefore to supply his instant necessity the latter was compelled to sell them for what he could get and perhaps to the very person who had imposed upon him: the penalty was forfeiture of the debt with corporal punishment or hard labour, according to circumstances.

Incendiaries whether fraudulent or malicious were doomed to public labour for a time, or for life, according to actual loss or the risk that they occasioned; but fires through mere negligence drew down the lighter pains of confinement or exile, unless the damage were trifling, when the occurrence was to be considered in the nature of a mere civil offence.

For facilitating the recovery of damages done to property¶ this code devotes five articles, amongst which the fine for killing

* "Truffe con dolo a principio."
† "Stellionato."
‡ "Fallimento doloso."
§ "Furto qualificato."
‖ "Scrocco"—"Scroccone."
¶ "Danno dato semplice."

a pigeon was ten crowns, but if a dovecot were entered it became a theft.

The falsification of writings, either public or private, was visited by pains, from afflictive corporal punishment to twenty years of public labour, according to the nature and circumstances of each particular case.

Coiners of false money, previously visited with the punishment of high-treason, were in this code considered as guilty of grand larceny and sentenced to hard labour for a time or perpetually, as the case might be, and all buyers or utterers of false or clipped coin became obnoxious to the same punishment.

Bigamy, adultery, and other infamous crimes were subject to the severest penalties for men, and twenty years of labour in the house of correction for women: incest amongst nearest relations was visited by ten years' hard labour for males and half that period for females; but when this crime occurred amongst uncles, aunts, nephews, nieces, and first cousins sentence was left to the judge's discretion for any punishment short of public labour; and any sexual intercourse between Jews and Christians was under the same penalties altogether prohibited!

Seduction was subjected to a fine of about five pounds and the expense of child-birth; rape to nearly nine pounds besides a permanent provision or marriage for the injured party; and if preceded by a verbal or written declaration or promise of marriage the judge was authorized to pronounce it valid, and condemn the violator to five years' imprisonment at Volterra on his refusal to complete the ceremony: but should the woman decline marriage due provision was nevertheless to be made for her by the culprit, and his non-appearance deprived him of every grace and benefit accorded, as already mentioned, to accused persons; wherefore he became an outlaw.

The punishment of rape, with violence, was public labour for life or a shorter period, according to its nature; but such crimes

when committed on the females of any family, or on those women under the master of a family's protection, were by a law of 1754 made liable to the penalty of public labour although no violence were used, and also when similarly committed on a person under age; but if not completed, banishment or confinement were the consequence. Pimps were chastised by public flogging on the back of an ass and limited exile, but for the second offence hard labour or the house of correction; with more severity towards domestic servants, relations, or any other person intrusted with the care of females; and still greater rigour if a virgin were seduced; but most of all when violence was superadded, or that the victim had not reached a marriageable age.

The law of 1737 against carrying arms was modified by reducing the penalty on fire-arms to twenty crowns; and for all other arms except short weapons or daggers ten crowns; these were allowed to be possessed but not worn under five crowns' penalty and forfeiture of the weapon: no search for them was however permitted unless they had been employed offensively or were carried expressly to perpetrate a crime; but their presence was always to be considered by the judges as an aggravating circumstance.

A simple escape from prison without violence was not a legal offence by the new code; but an escape in any way from public labour was punished by a re-commencement of the convict's whole term of bondage. By the 105th article of this code several penalties attached by divers old laws (especially one of 1704) to smuggling salt, were considerably mitigated; still the provisions both for this and tobacco continued extremely rigorous yet far more lenient than any foregoing law; and in no case was any search permitted how clearly soever the crime of smuggling might be proved; so that unless contraband goods were discovered by accident not a person could be condemned, or even prosecuted in a variety of enumerated cases. The 110th

article lays it down as a rule, that if a culprit's guilt, although unconfessed and not fully proved so as to justify complete legal conviction, were yet made manifest by sufficient indications, the judge was empowered to inflict some extraordinary punishment, not exceeding exile from the place, or confinement; but only when strong corroborating circumstances appeared to justify it. If the crime were capital this punishment could be extended to one of the smallest degrees of public labour; but if for want of proof the severity of condemnation were thus diminished, the criminal was also to be spared exposure at the prison door; because such exposure publicly proclaimed him guilty of a crime that had not been satisfactorily proved against him.

This article besides its direct infringement of the 27th, on presumptive proof, is evidently erroneous in principle: a prisoner must be either guilty or innocent of an imputed crime: if guilty he has a right to demand the legal proof of it according to established forms: if innocent, or that his guilt cannot be proved, he has an equal right to absolute acquittal, and should have no modified punishment inflicted merely because there is a strong persuasion of his culpability. If it were not considered fair to expose him to public obloquy for an unproved crime, it was still less so to inflict even a slight punishment on him for one that the authorities acknowledged he could not be legitimately taxed with; and yet they punish him for an offence of which they think it unjust even to accuse him publicly!

All capital crimes were to be tried within ten years from the time of their commission but not after; offences under the name of "*Malefizie*" within five years: judges were bound to publish their *motives* for inflicting arbitrary punishment, according to the discretionary power with which they were legally invested, and make their reasoning so short and clear as to be within everybody's comprehension: they were also to keep a record of these sentences in their respective courts along with the nature of the crime and every other circumstance that

influenced their decision either in the aggravation or diminution of punishment. The power of modifying sentences in any way was taken away from the authorities of Florence and Siena, and no proposals for mitigating pecuniary fines were to be thenceforward admissible; but to the council of Florence and lieutenant-general of Siena was continued their power of rejecting petitions, and they were instructed to forward those alone that prayed for diminution of afflictive punishment, if considered deserving of royal attention.

This imperfect yet somewhat tedious sketch of Leopold's criminal code may perhaps be sufficient to give a notion of the spirit with which it was undertaken and accomplished; and although the Englishman may seek in vain for "Habeas Corpus" and trial by jury, and the general legislator detect many errors and omissions in the details, they nevertheless will find consolation and perhaps some useful lessons in the bright spirit of philosophy and benevolence which enlightens it, a benevolence that never losing sight of human weakness, furnishes the accused with ample means of defence, and gives to the convict a chance of grace by repentance, with the prospect of ultimate restoration to society: they may also learn a lesson of mildness grateful to unprejudiced nature though adverse to long habits and those inveterate prejudices generated by the more Draconic laws of their own country: but above all they may contemplate with some admiration the unusual spectacle of an absolute monarch trampling on ancient errors, sacrificing his own power on the national altar, cutting with "venturous edge" through the prisons of by-gone tyranny, and opening a liberal passage to freedom, justice, and humanity. Such pictures are rarely to be seen in royal cabinets, perhaps still more seldom in freer communities, and never until they have been long called for by the voice of increasing intelligence and public feeling: for until lately even our own people, as Lord Bacon declared of old, were "so ensnared in the multitude of penal

laws that the execution of them could not be borne*." "But," says Milton, and his words may well apply to Leopold, "when complaints are freely heard, deeply considered, and speedily reformed, then is the utmost bound of civil liberty obtained that wise men look for†."

* In examining the "*Stato de' Delitti*," or State of Crime, from the year 1764 to 1789, it would appear that of those offences which amongst civilized nations are accounted moral crimes, the proportion during the above-named period was as follows:—

Years . .	A.D. 1764,	1785,	1786,[a]	1787,	1788,	1789.
Crimes . .	352,	520,	405,	308,	338,	309.

Deducting from this list the number of simple thefts in each year the amount of great crimes would be as follows: Namely, 123, 264, 227, 195, 214, 167. Showing an apparent increase on the year 1764, if the data are correct: but as every crime was under Leopold brought to light, punished, and recorded, while corruption screened many a previous criminal, the comparison can hardly stand; and from 1785 there is on the whole a gradual decrease of crime with a rapidly increasing population, except in 1788. The nature of the crimes here taken is as follows: homicides of all kinds, fratricides, wife-murders, rape, seduction, incest, arson, infanticide, grand larceny, abortions, robberies with force, wounding with fire-arms, &c., church robbery, domestic thefts, suicides, &c.

† This passage, from Milton's "*Speech for unlicensed printing*" is the motto of a very able and spirited pamphlet on "*The reform of the Law*," by John George Phillimore, Esq. (*Ridgway*, 1846), in which some of the evils and absurdities of our forensic system are forcibly concentrated and vividly portrayed: they at least come home to the *unprofessional* mind; but it is to be hoped that the high professional authorities may also feel their truth and the propriety of acting on it. Every unprejudiced person must wish that Mr. Phillimore may continue to write on this interesting subject: the public at least will go with him.

[a] Year when Leopold published his Criminal Code of Laws.

CHAPTER IX.

FROM A.D. 1787 TO A.D. 1791.

PETER LEOPOLD THE FIRST,

GRAND DUKE OF TUSCANY.

THE experience of near twenty years of laborious application amidst clashing opinions, professional interests, false coadjutors, and obstacles of every kind, had finally allowed Leopold to promulgate in due form his corrected system of criminal law: it was still imperfect, and like all other attempts at applying permanent rules to the ever-changing affairs of this planet, required notes comments and explanations to adapt it with greater ease and flexibility to the many-coloured relations of society. The Grand Duke was far from blind to its faults; but, as in some other great reforms, he was content to establish a broad and solid basis on sound principles and build everything up, somewhat roughly perhaps, to a certain stage, leaving the task of completing it to the forthcoming supreme national council or Tuscan parliament. Being therefore unfinished, and only as it were blocked out for present use, it was easy for the more malicious portion of a prejudiced and self-interested bar to entangle the whole system in legal difficulties and exploded abuses: to meet these Leopold had already prepared a volume of Commentaries; yet under his inexperienced successor the code had become so entirely changed, and so uncertain in its exposition and practice, that according to Francesco Gianni, justice

A.D. 1787.

depended more on the individual character of judges and advocates than on the inhate force of law.

This celebrated code was nevertheless applauded not in Tuscany alone but throughout Europe, and was hailed by every philosopher as the triumph of reason and philanthropy over that inveterate prejudice in favour of antiquity and the remnants of its barbarity, which so frequently prevents improvement. The spirit of it was not however generally comprehended in Tuscany: many provincial magistrates believed themselves absolved from a portion of their vigilance merely because they had been relieved from a portion of their authority; but if that vigilance were ever necessary Leopold declared it to be much more so then, in consequence of mitigated punishments; a change likely to be at first taken advantage of by bad-intentioned men; for though legal severities had long been practically diminished they had *never been formally revoked*, and the open removal of them naturally relieved unscrupulous men from a mysterious and undefined terror which partially controlled them. The disappearance of a great and habitual fear makes us careless for a while of lesser evils, and it is not until they begin to make themselves felt in their subsequent action that the latter produce their effect: the conviction of this truth coupled with two months' experience, induced Leopold by a circular of February 1787 to direct the several Giusdicenti's attention to an unrelaxing exercise of that vigilance which had hitherto worked so beneficially in preventing crime. His patience and magnanimity were also severely tried by a swarm of infamous libels which had been long in circulation, whose main object was to decry the reform of church discipline: they were composed at Rome, and, as is said, so abounded in fanaticism, factiousness, and self-interest, besides being so gross in their libellous matter and personal abuse of the sovereign, that in the absence of a censorship, which he had abolished, and against his own philosophical principles, he was finally compelled to exert his absolute power.

and at once suppress them, under the penalty of a search and ten crowns fine for every book *.

Nor were these the last of Leopold's vexations; he had by this time discovered that it was more easy to make good laws than to keep them up to their work, and it required all his keen searching vigilance to counteract that tendency to decay which is the nature of all human institutions but which in Tuscany was quickened by long previous corruption and utter recklessness of public good. The people who were accustomed to bow with abject submission to every whim of a Medici, and feared even to cast a furtive look on the acts of government could scarcely be expected to feel any sudden inspiration of patriotism, or use political liberty the offspring of honesty and intelligence, with all the integrity prudence and independence of experienced men. There could not be a more unjustifiable or tyrannical infringement of private rights than the Medician game-laws: a juster prince repeals them, and instantly the very people who had been suffering under their lash, start up, abuse their new-fledged liberty, and as far as they are able, violate their neighbours' rights and property in the self-same spirit of those princes who once had made them cower and tremble.

A.D. 1788.

When private persons; in despite of a more rational and wholesome education, and without the temptations of princes; discard every idea of justice, and reckless of others' injury indulge selfish inclinations to the utmost bounds of power, there should be no marvel at more exalted crime, nor at all that wild fantastic trifling with human happiness so conspicuous amongst crowned heads; but when monarchs nobly

* These books were, "*Giornale Ecclesiastico di Roma*," "*La Realtà del progetto di Borgo Fontana*," "*Propositiones dogmatico Polemicæ*," "*Lettere Rasianiane*" (against Marchetti's Ecclesiastical History of Racine), "*Annotazioni Pacifiche d'un Paroco Cattolico al Vescovo di Pistoia e Prato* (Ricci) *sopra la sua Lettera pastorale del 5° Ottobre* 1787," and a Roman Gazette called "*Notizie Politiche*."

break away from their generic character to embrace the cause of humanity and justice, and yet see their efforts thwarted, baffled, mistaken, or ridiculed, do they deserve blame for turning disgusted from their work, and shall they not receive high praise when unappreciated and unrewarded they pursue this benevolent course from an abstract love of justice? Thus unthanked, unrecompensed, and reviled, did Leopold find himself on several occasions towards the conclusion of his reign; and many abuses consequent upon his suppression of the game-laws, both as to public morality and the rights of property, to the direct injury of agriculture and useful animals which that measure was intended to protect, considerably increased his mortification. He now found it necessary to interfere and prohibit every sort of field-sport from Lent to the twentieth of September in each year: also the disturbance of nests, and any dealings in game, except in privileged fiefs not yet annexed to the crown, and in royal preserves: the chace of certain animals, such as foxes, otters, and porcupines; common fowling in private inclosures called "*Ragnaje;*" taking "Beccafichi," ortolans, and other small birds usually caught in summer, but without fire-arms, were also exceptions: but unfortunately in all these pastimes unbridled liberty was found to be almost as injurious though not so vexatious as unbridled tyranny; yet Leopold was not disheartened, and still indefatigable in his magnanimous enterprise.

A perfect emancipation of Tuscany from debt now became his most anxious desire as indispensable to the coming constitution, one of whose fundamental articles was the prohibition of loans: the persevering economy of his government while augmenting public means was continually reducing both its principal and interest and enabling him by paying off foreign creditors and adopting a peculiar method of action, to secure at least its home expenditure and promote ultimate liquidation. By forcing all corporate bodies after his own example

to sell or let their lands and invest the proceeds in the funds, he had made *them* the principal state creditors and thus far united the landed and monied interests of Tuscany: but the communities as already narrated were each charged with a permanent impost in lieu of a mass of small taxes, which was from this circumstance called "*Tassa di Redenzione*," or Tax of Redemption; also with another of the same nature which under the name of "*Tassa d' Accollo*" was substituted for the Decima by a law of the seventh of August 1781*.

As the great object of all this taxation was to pay the interest of public debt, of which the nation as represented by communities, became the chief creditor, Leopold resolved to save the expense of its management to government, and the attendant vexations of imposition and collection to the people, merely by cancelling a corresponding amount of debt and taxation at the rate of *three-and-a-half* per cent. per annum for the latter; public interest being then only *three*. Previously to this, *three-and-a-half* per cent. had been taken in from fundholders with one hand and three per cent. paid them with the other as interest on their stock, wherefore they would now gain half per cent. on relinquishing an equivalent amount of funded property, and at once clear their real estates from a proportionate quantity of permanent taxation. But although freed in this manner from general taxation by sinking their funded capital for ever, at the small and precarious gain of half per cent. per annum; the communities were further compelled to redeem with all their disposable funds not already invested, as much more public stock as these would purchase, which money as it came into the sovereign's hands was to be instantly applied to pay off individual fund-holders. Three months

* This name is derived from the verb "*Accollare*," or rather perhaps "*Accollarsi*," literally to take on one's own shoulders, or take upon one's self the responsibility of another, as the communities did the levying and payment of this tax which had previously been levied by government. "*Accollarsi un debito*" is a common expression for taking the debt of another.

were allowed for the execution of this ingenious but not unexceptionable measure, by which if the Grand Duke lightened Tuscany of a load of debt and consequent taxes, with all their attendant vexation and expense, he simultaneously deprived the communities of a certain portion of their capital: if the removed taxes must otherwise have existed *for ever*, or if their absence could have been guaranteed *for ever*, the transaction would perhaps have been fair as applied to public bodies; but what could secure them against future governments who might re-impose the same burden in despite of every act of redemption? Leopold however counted on the vigilance and jealousy of a national parliament, which never came. The sum of 1,982,722 lire or about 66,090*l.* sterling of annual taxes in the three provinces of Florence, Pisa, and Siena gradually melted away a public debt of 56,649,201 lire or about 1,888,306*l.* sterling leaving only about 31,000,000 of lire or 1,031,352*l.* sterling of remaining debt*.

The communities being justly considered as a number of fractions composing the great integer of state, and their population suffering a periodical but continued diminution of industry in the shape of taxes, to pay the interest of a debt due entirely to themselves, were therefore as public and corporate bodies deemed but little if at all aggrieved by this compulsory sacrifice of principal, more especially as it removed that check to industry and sure companion of taxation, which compels man to relinquish a portion of his gains, apparently for a season, but which never returns to him without double labour†. The Grand Duke was so convinced of the efficacy and justice of this act that he resolved to push it further, and by a mandate issued in March 1788 applied it in principle to every private individual possessing real property subject to the redemption.

* Edict of March 1st, 1788.—"*Governo di Toscana*," p. 52 and Appendix, "*Monte Comune*," Letter v.

† "I do not like that paying back; 'tis a double labour." (*Shakespeare, Henry IV.*, Act iii.)

tax, even though his opulent community might have abolished all such taxation. This seems unjust; but it was argued that the wealth of that particular community was only a fortunate accident which might at any time cease and be reversed; besides Leopold's aim was to adopt every practicable means to relieve the nation, *as a mass*, from all those "*ties and vexations occasioned by the pressure of national debt.*" As the most opulent communities were best able to support public burdens, perhaps such a measure might have been sufficiently justifiable in a general way, but certainly not so in its particular action on private persons and property. Leopold's argument was shortly this. "Every person of real property "in Tuscany has a perpetual rent-charge on his estate of three "and a half per cent. due *to* government in the shape of taxes; "many of these individuals are fundholders receiving an in- "terest *from* government of three per cent. only; I therefore "call upon them generally and severally to gain one half per "cent. on their annual income and relieve their real property "for ever from this tax, or rent-charge, by the sacrifice of so "much funded capital yielding an interest of only three per "cent.; besides giving them a further relief by saving the ex- "pense of administration and collection, which though in the "first instance paid by government, ultimately falls on them "in general taxation." The answer is simple: I prefer a marketable capital to sinking it for ever: I can make more profit of my money in other ways, and "I do not choose "to sacrifice my capital to rid my estate of a rent-charge "not necessarily perpetual; but the removal of it still less "likely to be so, seeing that it depends not on immutable law, "or the people's will, but on an irresponsible government." Such reasons made the act unpopular; but in despite of this, all persons of real property were recommended to cancel their share of the redemption-tax within three months by paying an amount of capital, of which that tax represented the interest

at three per cent.; or in other words by paying so much of the national debt in the same manner as the communities, which would set their land perpetually free and their industry be without impediment.

Public creditors were to be paid off either by returning their principal or cancelling their share of the redemption-tax answering to its amount, or both; and to facilitate the operation of this law any sum was received at the treasury and a corresponding amount of taxation remitted to the payer. To encourage the docking of entails this relief from taxation could not affect entailed property until such ties were loosed; so that whoever cut off an entail could claim the whole sum of taxation paid after its redemption was purchased; and, with this exception of entails, whenever the tax was cancelled by an extinction of stock charged with any obligations, these charges were transferred to the property thus liberated: but all proprietors who redeemed this tax on entailed property were privileged to transfer the benefit to other property not entailed.

For the convenience of those who could not procure the necessary shares of public stock to extinguish, it was decreed that all colleges, hospitals, boards of works, boards of church property, royal possessions, crown lands, the sovereign's personal property, the knights of San Stefano, the fisc, and all corporate bodies depending on communities, after having cleared themselves from the redemption-tax should cede to those who had need of it whatever funded property might remain, either by sale or in the form of a mortgage at three per cent. on the estates thus freed from taxation; so that the proprietors gained half per cent. by the transaction.

The times when this law was to be carried into effect as regarded communities were to be periodically announced, and three months given for its accomplishment; but under the penalty in case of disobedience, of lowering the interest allowed for taxation from three and a half to two per cent. To facilitate

this, the supersyndic of Florence, the chief of the Pisan drain office, and the superintendent of communities at Siena, were to notice every municipality which had not conformed, and order those who had obeyed to cancel the redemption tax of defaulters with their remaining stock: but at the reduced rate of interest, and the mortgage thus falling on estates of non-conforming proprietors was to be three per cent. The sum of all is, that Leopold convinced of the impossibility of liquidating national debt by the mere force of economical government without imposing additional taxes, took the more direct and rapid plan of dividing the capital itself amongst national proprietors of real property, each taking his portion as a private debt which he was bound to discharge within a given time by extinguishing the principal, or else mortgaging his property at an interest less than the annual tax. Thus every public body, each individual, and even the sovereign himself relinquished a portion of real estate to pay the country's debt, but were simultaneously relieved from permanent public imposts more than equal to the public interest of that debt. Capital to a small amount was certainly sunk; but the loss was trifling in comparison to the moral and physical relief, especially in the rapid dissolution of an oppressive load of debt which was fast disappearing under Leopold's influence when his ill-starred fortune called him away to a more exalted and conspicuous but certainly less useful and brilliant destiny.

Besides extensive purchases of stock by the several state departments holding land on account of government, and a similar employment of his own private property, Leopold even withdrew the Grand Duchess's marriage portion from the Vienna Bank and invested it in Tuscan stock at reduced interest! These efforts enabled him ultimately to confine most of the remaining debt to the crown, government, and their dependent offices, and every diminution of debt was at once published, not in mere words, but more solidly in a corresponding reduction of

taxes, or a fall in the price of some article of royal monopoly still retained to discharge its interest. The effect was rapid and beneficial, no less than thirty-four communities having extinguished the tax and a corresponding amount of national debt within a twelvemonth, and the inability of public officers to accomplish their work, alone limited it to this number: its end was however fast approaching and Tuscany would soon have been altogether free had not the Prince departed and died, and left the completion of this and all his other labours to inexperienced youth guided by knavish virility *.

The measure as we have said was far from popular, and like all reforms probably produced some individual suffering, a public debt is besides too convenient and generally too secure a means of investment to be cancelled with general satisfaction; but unprejudiced reason and philanthropy will ever bless the hand that delivers a country from such an incubus, from present suffering and final ruin, an impediment to taste, improvement and civilization, and a clog on everything that contributes to the greatness goodness and political independence of nations.

One of the most generally felt oppressions of absolute governments, the monopoly of salt, had already occupied Leopold's attention; this evil had been long abolished in the Maremma, but the great revenue accruing from it in other places and the constant drain occasioned by public debt had hitherto prevented any radical cure for a grievance which, *under him*, was more vexatious from its worry and official forms than positive amount. The forced acceptance of a quantity of salt according to the number of mouths, not the wants of families; the varying price in different districts resulting from exclusive rights; the discrepancy between royal and municipal weights, by which latter only salt was retailed to the people; the many kinds of this article even of different colours, which bearing

* Motuproprio of the 7th March, 1788.—Governo di Toscana.

unequal prices were for distinction sake despatched to separate districts; formed altogether so complicated and costly an administration; such difficulty in collection; so much inconvenience, annoyance and vexatious meddling in private life, as tormented and distracted everybody, and to the great injury of public revenue and agriculture engendered swarms of reckless smugglers. The country people, amongst whom offences more easily occurred, were ruined by prosecutions and enticed from labour to the more lucrative and exciting contraband trade, while an unrestricted salt manufacture in the Maremma proved, as might have been expected, not only injurious to public revenue in the upper province but also to all Tuscany. These considerations determined Leopold to resume the monopoly throughout his dominions, but with it to suppress forced distribution, abolish duties, and leave the consumption of salt perfectly free; to lower and equalize the price, which was reduced nearly a half, and bring all the weights to a uniform standard throughout the land.

The price of salt was accordingly brought down to the lowest point which that portion of public debt, whose interest was payable from this source, would permit; and in detached provinces still lower on account of local circumstances: but to accomplish it Leopold sacrificed a revenue of 360,000 lire on salt alone, yet justly considering it a small price for the augmented quiet and happiness thus insured to his people. By a law of March 1788 this monopoly was formally resumed, the price diminished and universally equalized, the people were left free to purchase salt when, where, and how they pleased, compensation was awarded to those Maremma districts where its price rose by this law's operation, and general instructions were issued for its distribution and measurement by the proper authorities.

The disorders generated by a contraband trade in salt, tobacco, and general merchandise, from the Maremma into the

rest of Tuscany finally convinced Leopold that dissimilarity of government and inequality of privileges in two neighbouring provinces of the same state so dependent on each other, could not be beneficial to either, and when coupled with disparity of legal rights must produce disorder, temptation, moral depravity; increased expenditure, and diminished revenue. By an edict of the same date he therefore forbid the cultivation and trade of tobacco or the disposal of iron and salt at an unfettered price, as had previously been permitted in the Maremma, a liberty only granted for a given period, then elapsed, and merely to encourage colonization: he simultaneously erased the boundary line between the two Senese provinces and, with some exceptions, incorporated the Maremma with the united commercial territory of Tuscany. As a compensation the tax of redemption was abolished with every arrear due from the Maremma besides other grants and condonations, amongst them the uncontrolled management of woods and forests with every royal right and privilege, under the names of "*Legnatico*" and "*Macchiatico*," was bestowed on the communities, but reserving a power of redemption from these taxes for all proprietors of woodland.

In renouncing his royalties over mines, mineral ores, precious stones, gems and so forth, and leaving a complete right of property and general freedom in such matters Leopold this year did well; as also by his relieving cattle-sales from all remaining shackles; but we look in vain for his usual sagacity in a notification of the same period where to render more "*active and useful*" the industry applied by his subjects to manufactures, he absolutely forbids the exportation of cocoons, raw silk, wool, spun silk, rags, skins, and raw furs. If the Tuscan manufactures required these articles and could pay for them, the prohibition was useless; if not it was unjust, and also injurious.

For certain local reasons that do not plainly appear, the city of Arezzo, fifteen years after the general change, still preserved

its ancient municipal government, and only in 1788, by the publication of an old edict of 1772, was it invested with self-governing powers, so that its charter although the earliest in date was latest in action, and no less than twenty-two small worrying impositions were then replaced by the redemption tax.

The complete revolution now accomplished in every state department rendered the "*Consulta*" no longer suitable to existing laws and government: created in early times of Medician rule it gradually became, from increasing business in the grand-ducal chamber, the highest court of appeal in Tuscany; but after two centuries of official life it was annihilated by an edict of September 1788, and its duties distributed amongst other tribunals. The provincial "Giusdicenti," the "Buon Governo" of Florence, the supreme tribunal of justice, the judge of the "Regalie," and the auditors of the "Ruota" inherited its duties amongst them, all except the guardianship of insane persons, idiots, and prodigals incapable of self-government, besides some other privileges which were yet retained by the sovereign.

The "*Tassa di Macine*" or grinding of corn still hung like an old vice about the country, and from its very nature remained the source of constant and vexatious inquisition, repeated and annoying regulations, and incessant complaints: it was in fact a monthly poll-tax on every soul above three years old. Its reform in 1553 was accompanied by so complicated a mass of minute rules and severe penalties, that the millstones themselves were not harder or more grinding; yet this tax seems to have been a necessary consequence of the Annona's power and duties, and shows how one false step in government requires many others equally wrong to support it. A.D. 1789.

There are records of a considerable revenue having been raised from this impost even in 1339, besides accounts of a much

longer existence,* but it was augmented by Cosimo I. in 1552, on the imperial garrison being driven from Siena, as he was then watching the moment to acquire that republic and therefore pleased at such an opportunity of assisting Charles V.; wherefore to meet all these military expenses he added three Soldi and four Denari a bushel to the tax on grinding wheat, and other grain in proportion, as a war-tax for three years. But as the *repealing* of any tax, whatever may have been the original professions of its proposers, is but seldom a spontaneous act, or rarely even thought of by governments, this was not only continued, but enveloped in such a load of forms and orders and penalties, bearing on every branch of the millers' trade, as was almost too hard for the nation to bear, and yet too heavy for the government to cast off. Leopold had several times tried to mitigate this evil, but the revenue, like that from salt, would not admit of any searching cure even with all his economy, wherefore in an edict of March 1789, while lamenting the impossibility of abolishing this tax, he endeavours to regulate it in a way least subject to those vexations almost inevitable in such impositions. Throwing the whole charge of its management on the people themselves, by their municipal representatives, he allowed them a commission of five per cent. on the amount for the expense of collection; then dividing the population of each community into eight classes decreed that the representative of each family should contribute a given sum according to the scale made for that class in which he was registered: these payments ranged from half a lira to four lire per head; but some who were too poor to pay anything remained on a separate list as incapable, and a reputable public officer was to be named by each com-

* By a statistical table of Florence in 1339, the "*Gabella della Farina a Macinare*" e "*Macinatura*" is mentioned as producing a revenue of 4250 florins, but when the tax was first proposed seems uncertain. (*Cantini*, vol. ii°, p. 123, *Illustration of the Law of the 18th September*, 1549.).

munity to ascertain the means and settle the class of every individual above three years old.

To avoid discussion about who were or were not to compose the two first classes, the law itself especially designated them, and except the really mendicant orders, no ecclesiastics of either sex were omitted: the execution of this greatly modified law thus falling to the people themselves, all the jurisdiction and cost of the "Regalie-court" and other state departments connected with it were abolished. In this manner when state necessity prevented Leopold from relieving his subjects altogether from some inevitable load, he at least permitted them to place it in the easiest position upon their own shoulders; and of this he soon gave another proof by similarly resigning the vexatious tax of *Sigillo* to municipal administration, with a commission of four per cent. for collection! But if anything more were required to prove his sincerity in leaving all he could to national management, and his perfect indifference to revenue whenever it could be relinquished with public advantage, it may be found, amongst many other places, in an edict of the eighteenth of March 1789, which gives a general permission to cultivate tobacco as a step towards his contemplated resignation of the whole monopoly; and this actually followed about two months after, but with the sacrifice of a revenue amounting to nearly 23,000 pounds of English money. Tobacco in every form might now be exported free of duty, or else imported according to the tariff, and the royal manufactories while they remained working, were declared to be mere private enterprises, but exonerated from all their previous obligations to purchase the plant from those provinces which had before enjoyed the exclusive privilege of its cultivation.

These salutary measures lessened the duties of the finance department so much as to allow of their union with that of the state, under the general title of "*Secreteria del Consiglio*" which was managed by a president and two sub-directors for financial and state affairs.

An edict of this period also declares, that the Grand Duke, moved by a feeling of justice and delicacy, had long resolved to divide the public finances from those of the crown patrimony, and especially from those of his private family estate; wherefore having succeeded in disentangling these three interests he lost no time in withdrawing what exclusively belonged to the nation and applying it with the least delay and inconvenience to national purposes. A mandate of April 1789 accordingly placed his personal inheritance and all crown property under an administrator-general dependant on himself alone, not as a public officer, but private agent; and confirmed and renewed the decree which ordered all royal possessions to be legally considered and treated as essentially private, and as having no claim to privilege favour or affection beyond that of a subject. Thenceforward no civil cause between prince and people was to be tried by courts and judges connected with the grand-ducal chamber, the "Regalie" and others; but in the ordinary law-courts with those of private men. Besides the moral effect of this act, which was perhaps more generally praised than duly appreciated, the two courts of "Regalie" and "Royal Possessions" became useless and their civil jurisdiction was transferred to the supreme magistracy of Florence. A new law officer was about this time created under the title of "*Consultore Legale Regio*," or royal legal adviser, to expedite those civil and criminal matters requiring legal opinion before affixing the royal signature. *The Jews were soon after invested with full municipal rights;* but probably as a concession to religious prejudices the privilege of refusing office with impunity was accorded to them, and their attendance at church processions and other religious functions along with the other magistrates, was dispensed with; a liberal advance in justice and civilization which even Great Britain with all her liberality has not yet arrived at! The repeal of much petty taxation, some further benefits conferred on the Senese communities, and a final blow

given to the feudal system by annulling the power entailing such property or settling it as a right of primogeniture, besides the breaking of every entail not affecting the living, closed this year's labour. It was fully in the spirit of the age; for about this period the ancient political system of Europe with the abuses of royal power and aristocratic privilege received their death-blow from the French revolution.

A.D. 1790.

The kings of France, a country whose vast energies had long been confined by the pressure of absolute power, knew not the worth of those materials on which they so proudly reposed; they were incapable of moulding them to any purpose of universal good, and unconsciously slumbered on the smouldering fire that silently consumed them, until conflagration suddenly burst forth, destroyed the monarchy, arrested the march of real freedom and alarmed the civilized world!

What the Grand Duke of Tuscany had laboured during five-and-twenty years to bestow on a nation which neither appreciated his work nor kindled with the love of freedom, was unwisely withheld from another in which that love burned with a fearful energy, and at last bursting every tie violently ravished far more than had ever been contemplated or denied: had Leopold ruled in France, France would probably have been free without a crime; had Louis been monarch of Tuscany, Tuscany would still have languished in Medician wretchedness.

The Emperor Joseph II. of Germany, who had been pursuing a similar but more hasty and less prudent course than his brother, expired on the twentieth of February in his forty-ninth year and left a splendid but troubled inheritance to Leopold. On the first of March he left Florence subject to a Council of Regency composed of the senator Antonio Serristori, as Chief and President of the Council of State, with ten colleagues: *

* Francesco Maria Gianni, Luigi Schmidvieller, Director of Finance; Bartolommeo Martini, Director of the Secretaryship of State; Michele Ciani; Luigi Bartolini, Administrator of the Crown property; Giuseppe Giusti, President of the Buon Governo; Ernest Gilkins and Gaitano Rainaldi,

the mandate appointing this regency is dated on the sixteenth of February 1790, therefore shows that Joseph's death had been expected; but if any credit may be given to a scandalous author of the day Leopold had been for some time on indifferent terms with his brother and determined not to go to Vienna, except as Emperor, lest he should be persuaded to sign promises which he might afterwards regret.

The Grand Duke's reign still nominally continued: but scarcely had absence relieved certain counsellors from the awe of his personal character and direct control, than they began to oppose all his measures instructions and principles; they advised an immediate interference with the provision trade and the regulation of markets, and unfortunately in this the Emperor's apparent languor encouraged them, for his usual energy and firmness of character, nay even his mental capacity, seem to have suddenly left him on assuming the purple! Moved, against his wont, by insolent petitions from a faction with religion on its tongue, he consented to a partial restoration of devotional lay companies and other similar acts to be related in a forthcoming chapter; but, while complaining of the ingratitude of base and evil-minded men, he also announced the necessity of resuming those rigorous measures which he had vainly hoped were for ever done with; nay even of *reëstablishing the punishment of death as a measure necessary to subdue the exciters and leaders of public tumults.*

The Regency, in consequence of popular violence, mainly caused by themselves and their adherents, had on the eighth of June suspended all exportation of grain and other food, but on the twenty-seventh of December an angry letter from Vienna reversed this decree and reëstablished the law: Leopold's departure was in fact the signal for returning abuses, knavery, and fanaticism; twenty-five years were insufficient to efface the

Secretaries of the State Department, and the Cavaliere Alessandro Pontenani and Carlo Haynè, Secretaries of Finance.

evils of Medician influence and superstition, which had run in a sluggish unwholesome current for two centuries and a quarter and impregnated the whole mass of society: generated in corruption, swathed in oppression, and fostered by ignorance, they had taken a firm hold of the multitude and were artfully used by an unprincipled and self-interested sect to aggrandize themselves and obstruct the course of general civilization. Reformers, from the greatest the most sacred and the best, down to our own times, were never popular, and Leopold's high station did not exempt him from the common lot: his presence repelled the tide of disorder; his absence permitted a reflux; yet some barriers remained, and the seeds of much good had stricken deep root in the soil. But perhaps from insufficient attention to liberal education amongst the higher ranks; which would have formed a young enlightened and energetic race to succeed him; he failed to elevate the general moral standard of Tuscany, and thus weakened the influence of every previous labour.

Although the Grand Duke in his valedictory address expresses his acknowledgments to the several orders, the public functionaries, and more especially to the Regency, for their general support; in a strain somewhat too forced and earnest for candour and too solemn for satire; yet it may easily be gathered from a paper of very minutely-detailed instructions left for the guidance of that Regency, that he had no great reliance on their faithful execution of his will: for with the single exception of his friend and zealous adherent Gianni, who was a bold determined reformer, there existed not one to whom he could implicitly trust the execution of his political and civil improvements. These lengthy instructions touch upon almost every point of government: they forbid alteration of the provision laws and the free trade in food under any circumstances; prohibit all infringement of the self-governing rights of communities as completed by the last act of Jewish emancipation; interdict every interference with the Maremma; enjoin strict

attention to preserve the neutrality of Leghorn in case of war; recommend a rigid perseverance in carrying out the national debt system; by which he said that more than three-fourths of the communities had been already emancipated from the redemption-tax, and with a corresponding amount of public debt. When all was thus redeemed he commanded that the remaining shares of stock should be paid off at par from the surplus revenue; the Monte Comune be suppressed, and its personal establishment distributed amongst the other public offices: and then, he benevolently adds, would be seen which of the most oppressive taxes might be abolished and how much further the people's condition might be ameliorated. He was peremptory in commanding that no financial relations should be again established between state property and royal possessions after having been so carefully separated: no tolls, no taxes, no duties, were to be increased, no changes made in the police department, in civil and criminal legislation, provincial governments, or church affairs; nor even in theatrical regulations or other public amusements.

On ecclesiastical subjects he is particularly jealous and peremptory: he commands the Regency to cede nothing however trifling to the pretensions of Rome; to be wide awake and more than commonly vigilant on the point of ecclesiastical jurisdiction and the maintenance of independent episcopal authority, especially in clerical appointments: no pontifical orders were to be attended to by the clergy without an *Exquator* from government, and the recent suppression of both the Nuncio's and the Ecclesiastical Courts was to be firmly sustained. No religious lay companies were to be restored, or new ones formed on any pretence, and careful watch was to be kept that foreigners did not become superiors of Tuscan convents, that the law of mortmain was rigidly enforced and every other reform strictly maintained by zealous and constant activity on the part of government.

A multitude of inflammatory pamphlets (for the press was free) had been published on church affairs, replete with invective, faction, and fanaticism, and in bitter war against all that had been done for ecclesiastical reform: they were addressed not to reason or religion, but to the passions prejudice and superstition of the mass, and produced so much excitement as had induced Leopold to suppress them, with a general interdict against the publication of anything on such subjects: but as the safety of those prelates who had zealously supported him became endangered by the blind fury of a mob, he recommended the Bishops of Pistoia, Colle, Chiusi, and Pienza with all their adherents to the especial protection of the Regency *.

This document shows how small was the faith that Leopold placed in the Regency and his great anxiety to preserve so many years' incessant labour still untouched; but he was no longer present; his abdication was secure; a young and inexperienced boy was to succeed him; and a mere written document had no inherent force over a set of ministers most of whom were at heart unfavourable to every good work he had accomplished! And what was the result? Religious companies were reëstablished, sacred images again veiled, the provision-laws broken, church reform obstructed, the Bishop of Pistoia cruelly persecuted, the payment of national debt discontinued, the criminal code corrupted or neglected, and finally altered through ministerial influence; the tribunal of the Consulta restored, bread and other food assized by government, exportation of grain prohibited, privileged bakers nominated, oil again subjected to a license and taxed in price; and all the ancient fears and folly soared triumphant on the howlings of an infatuated populace which ministerial knavery had incited to open rebellion! Such was the end of Leopold's efforts, and such the

* Original Instructions to the Regency, MS., February 17, 1790. Signed by *Antonio Serristori* (autograph) and found amongst the papers of Leopold's minister *Michele Ciani;* but now in the possession of Signore P . . . B . . . of Florence.

mortifications that probably hindered him from then publishing the constitution for which he had been so long preparing! He had once hoped to cleanse Tuscany from most of the evils planted by preceding rulers, to bring the state system so near completion as to exhibit its beauty and utility, accustom the people to its form and movement, and finally arouse a spirit in the nation sufficient to perfect and preserve the work. Too well aware of the nature of public bodies to expect that so many searching reforms would have been speedily accomplished, or even for a moment entertained by the unsteady working of an assembly whose elements were saturated with the poison of tyranny and habituated to every impression but the general good, Leopold fully exercised his despotic powers for opening a road to liberty; and perhaps no despotism was ever swayed by purer intentions and, if the spy system be excepted, with less offensive consequences. He necessarily postponed the constitution to the last, because Tuscany in its then degraded condition was slow to conceive how any monarch could thus spurn from him every royal prejudice and selfish feeling, and only aspire to the glory of restoring a fallen nation to more than its ancient dignity! There were no doubt many citizens of enlightened mind and unsullied character who from their quiet homes conceived and estimated the sovereign's object and exertions; but they must have been comparatively few and scattered, though no doubt much virtue remained in obscurity enjoying that peace and estimation which in the halls of power is rarely found, and seldom or never allowed to bold uncompromising integrity.

By the constitution which was prepared for publication when Leopold became emperor the nation was to be represented by *Community* or *Municipal Assemblies*, *Provincial Assemblies*, and a *General Assembly*. In the first, every male above the age of twenty-five had the right of petitioning on any subject, whether private or local, which fell within the jurisdiction of his municipal magistracy, according to a peculiar form.

The union of a certain number of communities constituted a province, and a given number of deputies from each, composed the provincial assembly, in which the right of petition existed as above, but only about affairs that regarded the whole province.

These provinces were of various extent, because the situation and similarity of local circumstances were more considered than objects of less consequence to general convenience. On petitions being received by the assemblies of communities they were to be immediately discussed and put to the vote; and if admitted consigned to those deputies destined to represent these primary meetings in that of the province, where after a second discussion, in order to ascertain that the petitions contained nothing generally prejudicial to the province, they were again put to the vote.

From the provincial assemblies were to be chosen those deputies who formed the general assembly; they took charge of all petitions, whether provincial or communal, which had passed the former assembly. The general assembly thus constructed was bound to meet annually at a specified period without any form of invitation, and hold its sessions successively at Pisa, Siena, Pistoia, and Florence; recommencing in the same order every four years.

Laws were to be enacted by the concurrent voice of the Prince and people as represented in this assembly, but to the Grand Duke alone was consigned their execution: he was accordingly invested with full authority over the civil force of Tuscany in the terms of a constitutional agreement hereafter to be noticed. Through these national deputies it was intended that the sovereign should have official notice about the wants of communities and provinces, and consequently of the whole state; but after all had been previously examined, discussed, and matured, by those best informed on the subject and most interested in its success; so that there should be no equivocation or artifice, nor any collision

of particular, local, or general interests, and therefore no excuse for after-petitions either from places or individuals.

By the habit of discussing public business in these national meetings the people were expected to become acquainted with their own general interests and their country's laws, while they would be stimulated to watch vigilantly over the conduct of their representatives and the general administration of government. Such discipline required time, for these duties were foreign to Tuscan habits, nay even dangerous in those periods when princes cared not about learning what were the wants and sufferings of the people; nor considered them otherwise than as the slaves, not the supporters of the throne. Leopold on the contrary tried to infuse a patriotic spirit into the nation, to give it political instruction, inspire it with confidence in a prince so ready to sacrifice his own power for their exaltation, and by consulting them on every affair of state throw open the national portals to a free expression of public opinion.

Such was the substance and general spirit of the Leopoldine constitution in its representative character; and its fundamental articles exhibit a similar anxiety for peace liberty and public order: its principal article of foreign policy was like Washington's advice to America*, a perfect neutrality with all nations; a maxim more easily declared than maintained; and which the insignificance of Tuscany and its connexion with Austria could alone give any hope of preserving, at least from the moment a strong temptation beset any greater power to violate it. To this end an article of the new constitution declared that no alliance offensive or defensive could be legally contracted with any power by sea or land, nor assistance be given or received beyond the most rigid bounds of neutrality, which were defined

* "The great rule of conduct for us (said Washington) in regard to foreign nations, is in extending our commercial relations, to have as little political connexion with them as possible. So far as we have already formed engagements let them be fulfilled with perfect good faith. Here let us stop." (*Washington's Farewell Address.*)

with great precision in a manifesto previously published and admitted by every European power. The profession of universal amity being thus laid down as a principle not to be violated, and indispensable to Tuscan security; neither peace nor war, nor political alliances were even named in the national charter. The troops were to be all militia, organized and completed previous to the constitution being published: no new fortresses were to be erected, but on the contrary those still existing dismantled, except Leghorn, Porto Ferraio, Gorgona, Giglio, and some others along the sea coast, for which there was an especial code of regulations made necessary by their peculiar position as regarded quarantine, commerce, and neutrality. *The perfect liberty of trade was another original article of this constitution: it was established as a fundamental law, sacred, and immutable; incapable of suspension, or of impediment by taxes or other restrictions, either directly or indirectly applied.*

No public or provincial debt could be contracted in any form, and what already existed was to be forthwith discharged according to certain regulations compiled for that purpose: neither could the crown property incur any debt, but was declared indivisible, inalienable, and incapable of mortgage. By this a clear revenue up to a certain amount was secured for royal maintenance without any burden on the nation; but this not being sufficient, a suppletory permanent charge was to be annually made on the treasury with the express stipulation *written in the Grand Duke's own hand on the original draught of the charter;* that the *nation should never be bound to supply either by grant or annuity any sum of money for the maintenance of the princesses of the blood, nor for the establishment or promotion of the royal princes, who were all to be provided for out of their parents' income like private persons:* and yet Leopold had at this time *fourteen children;* no light matter even when a powerful kingdom is charged with their maintenance! Neither were the royal progeny to hold ecclesiastical benefices in the

crown's gift, nor be employed in any civil or military situations: this prohibition also extended to foreign princes, for Leopold was fully aware of the many evils which spring from authority in the hands of younger branches and foreign connexions of royal blood, an authority rarely producing anything but intrigue discord and discredit, especially when connected with the church.

Another fundamental article forbid any increase of territory by new acquisitions, or any alteration by exchanges. The power of pardon was to a certain extent lodged in the prince, who could diminish or commute corporal punishment to condemned persons but not prevent the condemnation: he could not remit fines, and entirely renounced the power of pardon in civil actions, or in other words that of defrauding an injured party of his rights; a power so long and so frequently exercised by the Medici. Leopold considered that only a weak and wicked despot could dare to trample on laws made for the impartial administration of justice between private persons; to stop the favourable course of such legislation towards an injured person he declared to be abuse of power, culpable ignorance, or fickleness of character; all dangerous in a sovereign, even when deprived of this privilege; but such a privilege could never be exercised without injustice to the party whose right had just been acknowledged and declared by law. His ruling maxim in such cases was, that if the law were not clear it should be made so, if not sufficient it should be strengthened, and if not good it should be amended; but all after mature enquiry and for public benefit; never for the particular occasion or by mere sovereign will. A list of civil military and judicial offices was inserted in the charter, and the privilege of filling them reserved for the sovereign, but without any power of alteration; and all ecclesiastical patronage and honorary distinctions still remained to him as formerly. Those laws in force at the promulgation of the charter were to be confirmed by it, and the prince was charged with their maintenance and execution: his prerogatives em-

braced everything not adverse to the charter: a clear *theoretical* distinction, but one that would probably have occasioned practical disputes whenever a prince should venture on some doubtful encroachment and the people be sufficiently strong and enlightened to resist, as freemen ought.

The above is a general outline of the legislative and executive portion of this singular constitution: singular because it was the composition and intended as the spontaneous offering of an absolute monarch, the issue of an absolute race, on the altar of rational liberty; because it was the work of a man born in the purple, swathed nourished and educated in the sickly lap of despotism, and sent while yet a boy to govern those accustomed to bow before the wildest freaks of tyranny; because in those times and countries the prince was all, the people nothing; and because this royal citizen soared high above every baser interest and boldly declared the inherent rights of men and nations. Such aspirations led him to the meditated establishment of civil liberty on the broadest foundation, to slacken the bands of superstition and fanaticism, and accustom the public mind to rely on its own energies in subjects of national politics. For these he encouraged the most unreserved communication between throne and cottage; thence his anxiety for complete information of every grievance, and a general expression of public opinion; an expression to be uttered with frank and fearless independence, and all that confidence which a popular government, if led by a prince or statesman intent on public welfare, so naturally inspires. He therefore entreated that nothing should be concealed either by private petitioners or public assemblies, from any false respect to the sovereign or his measures; because, having no pretensions to infallibility, and monarchs being more easily deceived than others, anything clearly subversive of public good might be supposed, *from that circumstance alone*, at variance with his wishes; and while indicating the duties of representative bodies, that of *preserving the pristine*

force and pureness of constitutional rights by courageously withstanding any infringement, was placed in the highest rank. For such purposes certain forms were prescribed by which all acts, petitions, or other measures contrary to the charter were to be denounced whether proceeding from prince minister or private person; and this was coupled with a promise that any act not within the royal prerogative, and therefore requiring a national vote, should as far as depended on the sovereign be made worthy of public adoption; but he as strongly recommended a similar spirit in those emanating from the people themselves.

The right of proposing laws was vested equally in the crown and the representatives, and the consent of both confirmed them: the finance minister was bound to produce his accounts annually to the legislative assembly and be prepared with explanations if demanded: no augmentation of public salaries, pensions, or rewards, was ever to take place without a vote of the general assembly sanctioned by the crown; and no public servant of any rank if once declared by a unanimous vote to have lost national confidence could retain office or be again employed: the sovereign's private feelings and opinion were in such cases to be entirely disregarded, for Leopold trembled at the possible effects of court intrigue and ministerial influence on a weak monarch, and was strongly opposed to any extension of the royal prerogative. Beyond this there seems to have been no ministerial responsibility, nor any legal provision for an acknowledged constitutional right of physical resistance to violent breaches of public liberty; a right, says Fox, that "should never be forgotten by the king and seldom be remembered by the people."

Previous to his assumption of royal authority the sovereign was publicly to accept the constitution and promise to observe it. No new fiefs could be created, and those falling to the crown were to become immediately extinct. Farming of the public revenue was interdicted; but not so clear-sighted was

the prohibition of a monopoly in any trade or manufacture, even by title of original invention: this was unjust, because every man has a right for a given time to the fruits of his own innoxious discoveries; and impolitic, as tending to repress ingenuity.

Amongst various regulations for conducting elections and constituting the several assemblies, those persons holding places or pensions in the royal gift whether as public officers or belonging to the court, could hold no seat in the national assembly, but enjoyed the right of petition. Functionaries employed by communities were, on the contrary, exempt, as removed from courtly honours and therefore unlikely to become channels of government influence; to prevent this Leopold foresaw would need a most rigid control because it was an evil more natural to monarchy than any other form of government.

Leghorn was placed in a peculiar position: a community in itself, it was nevertheless excluded from provincial assemblies as an isolated portion of the state; but its petitions and municipal acts were carried direct to the general assembly by one representative without a vote, to be there discussed like the rest. With the exception of quarantine and despatch-boats, besides some vessels necessary to maintain communications between the coast and islands, all other naval forces were suppressed: the army also was only to be composed of urban guards and rural militia, but embracing the several departments of infantry, cavalry, engineers, and artillery: several more regulations were included in this charter applying exclusively to Leghorn, but made necessary by its particular position and privileges as a free neutral port *.

The above is the substance of a constitution which Leopold's premature departure prevented from ever seeing the light: he had now relinquished every hope of rousing up Tuscany from that state of profound moral and political languor

* Franc°. Maria Gianni. "*Memoria sulla Costituzione immaginata dal Granduca Pietro Leopoldo.*" (*Printed but not published,* 1832.)

which seems only adapted to foster human indolence, and yet can scarcely be quarrelled with if a nation live comparatively virtuous and happy under its influence. But a time may come when the want of habitually energetic and generally enlightened minds may generate one of those fearful outbreaks that are sometimes seen to overwhelm the strongest bulwarks of reason justice and common humanity. Unluckily the complete details of Leopold's charter are not easy to be seen; suspiciously buried in the secret archives of the palace, or more cautiously in the cabinet of an individual citizen now no more, it would seem as if the great Leopold instead of being exhibited as the pride and glory of his house, was now considered a family apostate whose actions were unworthy of publicity, whose justice was only to be whispered, whose beneficence was beneath all princely dignity, whose philosophy reflected on royal intellect, and whose efforts at Tuscan liberty were mere democratic workings to overthrow the mouldering fabric of self-styled legitimacy.

From what can still be collected about the details of this charter it may be inferred that the national assembly would have scarcely exceeded twenty members as the representatives of nearly a million of souls; a number that must be considered large as the deputies of a single constituency but too small for a national parliament: still they were the condensed representation, the confidential agents, the flower as it were of two much larger and more widely-extended bodies of public representatives, in both of which *all the local affairs of Tuscany* must have previously been discussed; so that little beyond the general national business would have remained to occupy their attention. Nevertheless the number was too small to be secure from courtly and ministerial influence, too small for independence under an able designing sovereign, and therefore much too small for a great national council: but in this as in everything else Leopold proceeded cautiously, and probably looked

forward to managing them himself, as he surely would have done in the first instance, until he saw the proper time arrive for enlarging their numbers and really as well as ostensibly submitting to their decrees.

"If malignity exclaim," says Gianni, "that a prince with fundamental constitutional laws becomes a prince governed by the nation; Wisdom must then reply, 'Happy that prince, who being weak or ignorant shall be governed by the national organs rather than arrogant favourites, cunning ministers, or splendid prostitutes.' And happy may be called that kingdom where the sovereign being himself endowed with all the qualities necessary to govern wisely, knowing the moral impossibility of his being able alone to fulfil the numerous duties of his august ministry, calls to his aid the national intelligence, and inspires it with that zeal and confidence which result from activity and energy; who thinks it no disgrace to be governed by assemblies which are in fact coadjutors in the execution of his princely duties and make him glorious by public felicity; for it is far more difficult to find a single ruler possessing those virtues and talents indispensable to good government, than to unite the suffrages of any assembly in order to accomplish the universal good which such assemblies must themselves partake of in common with the multitude. But as the defects of a constitution and its administerial vices hurt some while they benefit others, a false balance inevitably results, and government is never corrected until the evil becomes extreme, universal, and insufferable: then either furious desperation or inert terror suddenly produces new systems and new reforms, cool reflection succeeds, and detects fresh vices and fresh errors, and men once more intreat for what they had so lately detested and destroyed."

CHAPTER X.

ECCLESIASTICAL REFORMS.

FROM A.D. 1765 TO A.D. 1791.

PETER LEOPOLD THE FIRST,

GRAND DUKE OF TUSCANY.

TUSCANY ancient and modern has ever been prone to a superstitious and almost abject veneration for the priesthood: the frauds of Etruscan augurs were not more effective than those of their modern successors; names alone have changed, the spirit remains, although the real character of the work may now be more generally detected and appreciated. In republican times when Florence abounded with able men, besides astrological superstitions then common to all the world, they were content to expend vast sums on the erection and endowment of convents churches and other pietisms for ecclesiastical use, while they themselves resided in small ill-constructed houses now scarcely sufficient for half their original inmates. Bands of regular clergy augmented under the Medici, external religion became more prevalent, and the priesthood grew as immoral as denuded of learning or piety. Formal answers to formal questions in theology and metaphysics were considered a sufficient preparation for ecclesiastical duties, the acquisition of a benefice rang the knell of study and made way for unmerited indulgence and repose: many priests were forced by necessity into situations degrading to their profession; a Bible was seldom to be found in the curate's dwelling, though sometimes a few tattered volumes of ascetic devotion, the remnants of

by-gone study, might be seen in a neglected corner as if to heighten their master's present enjoyment by an occasional glance at these old and useless instructors. From time to time some brighter spirit flashed through the murky atmosphere with a temporary unavailing light, and even in modern times some efforts were made, but with little advantage, to improve the public course of scholastic instruction. Amongst the regular clergy a more studious disposition is said to have obtained; in some convents we are even told that the sciences once flourished and considerable talent had been occasionally displayed. But scholastic theology in general engrossed their attention; he that most dexterously threaded its mysterious mazes was the popular preacher of the day and acquired both reputation and money; especially in Tuscany which far more than other states was successfully traversed by such missionaries. In this way the regular orders gained a considerable ascendant over the secular clergy in public estimation and by degrees assumed the spiritual direction of every class, with the whole management of public education. Rome, the centre of all their hopes and pivot of every movement, conferred numerous privileges on the monastic orders and enabled them to brave the native secular authorities whose duty was to superintend their religious doctrine, so that even the task of examining them was transferred to Roman ecclesiastics. As Tuscany abounded in convents it became the country above all others where the Roman decretals were executed with the most abject obedience, as inviolable laws admitting of no deviation even from their literal meaning; and it was sufficient that any book should appear in the Roman index of prohibited authors to be immediately burned, or hidden as was said, "in some obscure recess, and doomed to dust and darkness, a companion to infidels heretics and the alcoran." If there chanced to escape from unhallowed lips some hasty expression, shocking to the religious sensibility of a silky hypocrite or the feelings

of a devout old woman, it became at once an affair of the Inquisition, and the crime being declared beyond the limits of all legal transgressions was to be visited with more than legal punishment. Here and there a prelate of less fanaticism and more dignity cast a doubtful gleam across this gloom, and Bonaventura de' Ghirardeschi and Francesco de' Incontri, both archbishops of Florence, are offered as modern examples of more liberal and intelligent churchmen. Alamanni bishop of Pistoia, though liberally inclined, was baffled in his attempts to establish a professorship of dogmatic theology in that city by his own vicar Giovanni Scarfantoni, from a fear that the Roman Catholic faith might be endangered by an exposure to proofs that must of necessity acquaint the young student with many erroneous arguments by which it was attacked!

The moral and religious doctrines of Padre Concina and the French Jansenists were disseminated by this prelate and his successor Ippoliti, and the excellent Scipione Ricci endeavoured to complete the task: Chiusi and Colli also gave some strong indications of a better spirit, and some other dioceses began to awaken when Leopold first attempted to stimulate the languid energies of Tuscany. About this epoch the clergy of both branches was divided into four parties: in the first there were a few sufficiently enlightened to perceive the necessity of church reform, but cold timid and indifferent to its accomplishment, unwilling to risk anything in the cause, and even ready to betray it if openly called upon to declare their sentiments: this baseness filled the ranks of bigotry, because they were either seduced or intimidated; especially by the reproach of Jansenism, the mark of Cain, which was branded by religious conservatives on all those whom they had doomed to public execration. A very small party openly attacked abuses, boldly advocated radical changes, and ever maintained the cause of truth against its self-interested and fanatical enemies: they were of course accused of heresy, innovation, Jansenism; and were systematically

decried, until the most unanswerable and purest truths became, when in their mouths, a compound of lying erroneous and scandalous doctrines.

Besides these there was a multitude who having taken holy orders for mere livelihood were willing to sacrifice any dogma or religious persuasion on the altar of Mammon: careless of morals and doctrine, they sold themselves in the most lucrative market to any party or opinion likely to pay, indiscriminately fattening, like irrational animals, on the pastures of error and of truth. The last and most numerous class was composed of a swarm of ignorant fanatics, boiling up with ancient papal pretensions, inflamed by existing conflicts, disordered in vision, seeing nothing but Jansenism beyond their own pale, and dead to every sound that did not harmonize with their peculiar tenets: they regarded in pious horror every work on which even a shade of Jansenism could by any possibility be cast, defamed them, tore them from those who showed a disposition to inquiry, and replaced them by some antidotal tract offered with all the enthusiasm of faction, to disgust the weak and ignorant with a wise and beneficent reform. The Bible, the pulpit and the confessional were adopted as the instruments of faction and malevolence; discord was kindled in domestic circles; father against son; brother and brother were in contention; the household gods were shattered to pieces, and the ancient demon of republican Florence seemed once more to be abroad and busy in the state. All this was believed acceptable to a God of peace and charity, and blindly applauded by an ignorant prejudiced superstitious crowd, utterly incapable of argument on doctrinal points, and therefore following the majority as being less troublesome than serious reflection. The example of a reputed few amongst the leading fanatics was sufficient authority for committing the most preposterous extravagancies; the people were taught by these sententious pietists that "*In doctrine they should walk with the many, in*

conduct with the few;" a very unstable maxim, but well adapted to their objects at the moment and in harmony with the public ignorance and mental indolence of the time and country.

Church discipline was not more flourishing than clerical learning, but priests abounded: a brood of ten thousand five hundred and thirty-eight secular clergy swarmed over Tuscany, devoured its substance, and gave but little in exchange: a multitude of little benefices supported hordes of priests who were not even called upon to officiate; their stipend was miserable; too much for idleness and too little for work: from about five to eleven pounds sterling was all they annually received, yet their excessive number drained the spare cash of the inhabitants without comfort or usefulness to any. Ten years' service in a cathedral was the sole qualifiation necessary for holy orders, and in that time the chapter of Florence alone was accustomed to bring five-score priests to maturity with no other preparation for their sacred office than a daily attendance in the choir.

Another establishment, said to be peculiar to Tuscany, was composed of certain congregations of secular priests who wandered over the country from church to church, chanting masses according to the will and regulations of their founder whose funds principally supported them, especially in Florence and Pistoia where many of these drones were thus idly maintained and reverenced. The alms collected for masses gave a livelihood to multitudes of native and foreign priests, and the frequent recurrence of such rites for purgatorial uses, holiday obrations, and other religious perquisites augmented this lucrative source of ecclesiastical revenue. But while cities abounded, the rural districts were often wanting in zealous spiritual assistance; parishes were ill provided; some curates enjoyed a competency, others pined in want and misery, yet tithes were rigorously exacted from all: the livings in public and private gift were better filled, but those conferred by a free popular election were generally the result of intrigue, faction, and private views of

interest; and success was ever attended by suspicions and mur murs of simony: private patronage, as with us, was commonly exerted in favour of some member of the patron's family, or of some favourite ecclesiastic; yet these parochial churches were the least frequented, the people more willingly resorting to convents, where by numerous feast-days together with a rapid succession of masses and plenty of confessors to make choice of, they were much more powerfully attracted. The peasantry, averse to uniting the two functions of parish priest and confessor in the same person, preferred cities, where their choice was free and their minds amused by all the "pomp and circumstance" of Roman Catholic rites which they constantly found there.

A number of lay religious companies swarmed in every town; scarcely a rank, trade, or profession was without its college; scarcely an individual that did not belong to one and many to several; they were the clubs of our own time and country, only devoted to religion; or at least to its forms and ceremonies, occasionally dashed with a little mundane amusement. In their numerous oratories were performed by day and night every religious mystery, and in addition the oratories of private families were exceedingly numerous, all supporting their respective chaplains, so that a vast mass of the priesthood was continually in action. The regular clergy and lay brothers of the various orders, to the number of four thousand and sixty, distributed in two hundred and thirteen convents, shared the enjoyment of public wealth with their secular brethren: the mendicant friars were most numerous and apparently most humble; but they only exchanged real worldly poverty for its religious mimic when the monastic habit was assumed; others issuing from the middle and upper classes of society into the endowed convents, similarly abandoned a poor or no inheritance for an infinitely richer patrimony: many foreigners were amongst them, especially as superiors and lecturers, the generals being almost invariably strangers. The mendicant orders employed numerous

lay-brethren to scour the country in search of food and alms, while they themselves remained at home to invoke heaven's blessing on the task. With these orders were associated in both male and female convents, many lay-brethren and sisters under the name of "*Terziarj*" or third orders, who wearing the religious habit and paying a fee of admission, were acknowledged as kinsfolk in God and shared every spiritual blessing with the rest: masses, indulgences, privileges, prayers for the dead, and the right of sepulture within the church, where some families possessed hereditary tombs, were the chief advantages gained by the "*Terziarj*." The patron saints and their successors, whose effigies both adorned and enriched the churches, brought many votaries: each temple had some illustrious image of purer essence or more holy reputation which could not always be exposed to vulgar gaze; but on stated days and in times of public calamity this mystic veil was withdrawn, the faithful bowed in pious adoration and golden streams kept flowing into the sacred treasury.

Female convents and "Conservatories," which in the year 1784 contained seven thousand six hundred and seventy nuns, formed a still more melancholy portion of this monstrous evil: how many mothers were here severed from the natural purpose of their creation; how many innocent girls were led blindly into licentiousness; how many tender hearts were doomed to repentance or despair! Not for committed sins, but from false notions of piety, or parental vanity and selfishness; and how much youth and beauty were here sacrificed on the altars of clerical ambition, even though no darker destiny might await them! The education of almost all young women of any rank was entrusted to nuns, and there were but few of those that ultimately took the veil, which generally occurred at sixteen, who had not already passed six or eight years within the precincts of a cloister. The female conventual revenues amounted to about eighty-nine thousand pounds, and every sister brought a con-

spicuous portion with her on entry; nor were the converse, or assistant nuns, exempt from a similar though lighter contribution.

The assumption of the monastic habit; the profession, and final veiling; were all accompanied by pomp, noise, and rejoicings, but at the parents' expense; who for a little temporary cost were generally willing to save future trouble by this double establishment of soul and body within the fold of a nunnery. Female convents both in spiritual and temporal matters were generally directed by the male provincial superiors and confessors of their respective orders; for episcopal authority in such matters had decayed in proportion to the quantity of ecclesiastical patronage absorbed by the court of Rome. The authority of ecclesiastical courts had immeasurably increased, and laymen were obliged to plead there while the clergy remained free from the cognizance of any lay-tribunal: they had their peculiar prisons, bailiffs, superior officers, and judges; and uniting usurped temporal power with their legitimate jurisdiction, formed a state within the state that confounded all law, paralysed justice, violated royal prerogative, and trampled on the whole frame of civil society *.

These abuses were not peculiar to Tuscany, wherefore amongst the catholic nations there had already sprung up a simultaneous steady and determined opposition to all papal encroachments: Genoa was earnestly engaged in monastic reforms, and had banished many foreign friars of the Franciscan order: Venice had by successive decrees interdicted any increase of conventual property either by donation or legacy, as well as the remitting of money to Rome by heads of convents, beyond what was specified in public edicts: Venetian bishops were commanded to reassume their former jurisdiction over the regular clergy, while both the numbers and revenues of every religious association were there limited, and many suppressed.

* "Prefazione alla Storia dell' assemblea degli Arcivescovi e Vescovi della Toscana." Dall' Abate Reginaldo Tanzini. (*Firenze*, 1788.)

The Duke of Modena in a similar spirit demanded the pope's consent to certain monastic reforms, which after a gentle denial was granted: the Duke of Parma had seized the rents of many convents and settled them on the principal hospital of his metropolis: Lombardy was alive with the same spirit under the searching and impetuous Joseph: neither Spain nor Portugal were free from change; but Naples took the lead of all in suppressing religious societies and the dismissal of those foreign monks who were eating into the commonwealth with unmitigated voracity.

Leopold like his brother was a universal reformer but far more circumspect in his actions: his object was to emancipate the citizen from every tie uncalled for by social necessity and a just idea of religion. This was a very difficult; in Tuscany a very thankless task, and in religion a hopeless one: the nation was wrapped in superstition and sleepy intellect, and, like the somnambulant, ready to sink with amazement if too suddenly or incautiously awakened. "When a nation by force of habit," says Bishop Ricci, "has slavishly submitted its intellect to the authority of priests and nobles, it ceases to reflect, and loses all desire of being enlightened: abandoning itself by degrees to this lethargic state it closes every outlet; the clergy and aristocracy skilfully profit by its ignorance and inertness and through little seductions, which they well know how to offer at seasonable moments, easily guide it according to their will and interests. These two classes, although rivals and jealous of each other in the wish to govern; are always seen to form a close union whenever it becomes necessary to combat those who threaten their privileges and endeavour to break the enchantment of their power for the purpose of improving the condition of the people"*. This was the real cause of all opposition to Leopold's ecclesiastical reforms, and that honest able and benevolent prelate fell a victim to his bold and zealous exertions in the cause of truth and reason.

* Memorie di Ricci, cited by de Potter.

The first decided misunderstanding between Rome and Tuscany appears to have proceeded from papal discontent at the law of mortmain in 1751. That lordly power could ill brook any opposition from a nation which for centuries had bowed to the slightest expression of her will, and this ill-humour was not diminished by seeing the Inquisition deprived of its censorship, its prisons suppressed, and the interference of lay assessors in all its proceedings; which thus rendered it, although still an odious and subtle, no longer a formidable tribunal. This irritability was augmented by the suppression of many convents and useless ecclesiastical benefices against the Archbishop's consent; who moreover by a secret agreement with the Inquisitor offered to try in his own court all those causes which, as properly belonging to the former, must otherwise have come before the lay assessor, a thing which the Inquisitor was most anxious to avoid. The Bishop of Pienza who audaciously asserted that he was the Pontiff's and not the Grand Duke of Tuscany's subject, became another cause of quarrel: this silly intemperate priest had committed divers follies, and finally refused absolution to a government officer excommunicated by him, "*while he persisted in public scandal of obedience to the national* "*government.*" After twelve years of royal forbearance this priest was banished, but received nevertheless with singular distinction by Pope Clement XIII.: he was permitted to excommunicate the Emperor Francis and all his Tuscan ministers, and moreover to publish the sentence in Florence. The days of Hildebrand were however past and this anathema and its authors were equally ridiculed at Vienna; but a more serious affair soon occupied the attention of both cabinets: the right of sanctuary, infamous in itself and more pernicious from excessive abuse, was continually violated by government for the sake of justice, and this produced repeated complaints from Rome; a concordat was proposed and assurance given that no violation should take place during the negotiations which

his Holiness took good care should not be unusually hastened so that the subject was still pending at Leopold's accession.

The latter found Cardinal Torregiani a cunning subtle priest, opposed to Francesco Rucellai, a shrewd active searcher and bold denouncer of pontifical encroachments: the Grand Duke uniting all the jealousy of an independent monarch with the zeal of a young reformer, promptly but rationally imbibed the true spirit of this quarrel, felt his right to abate the nuisance without reference to strangers; yet as a concession to ancient prejudice and from respect to the Church he consented to renew the negotiations while he mentally resolved to suppress an evil which had been banished from every other country and was not even tolerated in Rome itself. By the advice of Rucellai, "Secretary of Crown Rights," all notion of concordats was abandoned as mere papal instruments for swindling monarchs into an acknowledgment of the very claims under discussion: another project was therefore adopted, which combining Leopold's milder notions of criminal punishment with certain concessions, rejected the inviolability of sanctuary but granted a remission of penalties in life or limb to all culprits so arrested, as well as the mitigation of every lesser punishment. A.D. 1765.

The Baron of Saint Odile was ordered to settle this point at Rome, but ecclesiastical cunning prevailed and Leopold threatened in vain; he put questions on the subject to several theologians, amongst others to the celebrated antiquarian Giovanni Lami who had no difficulty in proving that sanctuary was unknown in the three first ages of Christianity; that it was merely suffered by royal permission under Justinian, and therefore still depended entirely on the sovereign will for its existence modification or total suppression; and if the prince vouchsafed at any time to cede a portion of his rights it could only be as an act of pure courtesy towards the bishop of Rome. Nevertheless this business dragged on A.D. 1766.

for some years, nor was it until 1769 that with Maria Theresa's consent Leopold announced to Pope Ganganelli that the Tuscan sanctuaries had been cleared of all offenders, but that their lives would be spared. This measure took effect on the eighth of November 1769 at Florence Siena and Grosseto, and the next day's sun saw every remaining sanctuary of Tuscany emptied of its infamous population. All Tuscan sanctuaries were thus abolished except for civil debtors when not fraudulent bankrupts; but capital punishment was simultaneously mitigated, out of respect for the sacred place, or more probably for the personal character of Ganganelli. These culprits were spared from death but sent to ten years' public labour in irons; and from the latter, when incurred, to half that punishment: the pontiff acquiesced, probably with satisfaction; he had been but a few months on the throne and would no doubt ere long have saved Leopold the trouble of logislating on this matter for he was much too enlightened and sagacious and saw too clearly the signs of the times to continue such abuses, even if his natural disposition had not moved him to arrest them *.

A.D. 1769.

The opinions of Rucellai and others on ecclesiastical reforms have already been noticed, we shall now endeavour to show how Leopold brought them gradually but steadily into practice. The right of clergymen, like other public officers, to be supported by the nation at large, he saw was not properly maintained, because the funds though ample were unfairly distributed: to rectify this he first set apart a certain amount of property in each diocese under the name of "*Church Patrimony*" for their maintenance; he then suppressed parochial tithes and finally made it compulsory on private patrons of benefices to grant a competent income from their own funds to the incumbent, or resign their patronage †. Several other regulations followed

* Memorie di Ricci. (Vide *De Potter*, vol. iv., p. 33.)

† Circular of 7th January, 1780; July 16, 1782; January 21, 1784.

between 1780 and 1784 one of which relieved the canons of collegiate churches from much superfluous ease by giving them useful occupations in the cure of souls and the direction of public schools: before this a prohibition against the ordination of priests without duties, and the making of a royal *Exequatur* essential to the validity of many dispensatory acts which the pontiffs had before been in the habit of promulgating on their own simple authority, formed two of Leopold's earliest measures on church reform *.

The establishment of biennial synods in each diocese to maintain church discipline and encourage learning amongst ecclesiastics by a rigorous examination of candidates for holy orders and promotion, infused a better spirit into the profession and even obliged the examining bishops themselves to become more studious and circumspect than before †.

The abuse of monastic power and frequent acts of monkish tyranny occupied Leopold's attention, for he had not forgotten Rucellai or his counsels: although resolved from the beginning to suppress it he was not able to accomplish his purpose, until 1770 when an edict appeared declaring that conventual prisons would only be suffered to stand when the superiors, within a given time, asked on good grounds for a special license to retain them; all others were demolished one month after the decree ‡. When thus formally licensed, which was done for ecclesiastical discipline alone, they were never to be closed against the civil power; the prisoners' names and crimes were not only to be given, but full liberty was granted them to remove into public prisons: the visits of civil magistrates were to be private, and the prisoner was allowed ample time and means to state his cause unchecked by the spiritual

A.D. 1770.

* Circular of April 14, 1787; 21st April, 1773; 21st April, 1777; 15th January, 1778.

† Circulars of January 7th and 20th, 1780; March 2, 1782; January 16, 1782; July 16, 1782; August 2, 1785.

‡ Edict of 7th June, 1770, but published in September.

superior's presence; nor was the latter permitted even to see the written statement, except in certain specified cases, and both open and secret information about any breach of this law was strongly encouraged by government.

A.D. 1773. Pope Ganganelli, a no less sincere and energetic reformer than Leopold, with all the cautions and necessary preparation for such an act, towards the end of August 1773 issued his celebrated brief which abolished the order of Jesus after two hundred and thirty-three years of prosperity and unmeasured influence throughout the catholic world. In this document Clement XIV. recapitulated the several religious orders suppressed by his predecessors, exhibited his own reasons, and declared that believing himself inspired by the Holy Spirit he thought that in thus acting he should conciliate maintain and confirm tranquillity throughout Christendom.

Although the fall of this order does not properly belong to Leopold's acts it affected Tuscany to the centre, removed from before him a most formidable obstacle, and dissolved a charm that would have paralysed every movement; a power, which scotched subdued and disembodied as it was, did in fact most thoroughly harass his operations and poisoned the food he was preparing for a benighted people. But the Jesuits were not to be crushed with impunity even by Christ's vicar: union, talent, and utter unscrupulousness in conduct, will make any society formidable, and in all these was that order preëminent! The bold and good pontiff who from public principle decreed their fall, although supported by his own great ability, his integrity, and by almost universal acclamation; wrapped also, as he was, in holy panoply, and bright with sacred splendour, soon became the victim of their fury. The wrath of Heaven against him was minutely prophesied; there was no mystery or equivocation in the voice, and sure measures were taken for its accomplishment. Within a year from the

promulgation of this decree Ganganelli expired under the effects of poison at the very moment so confidently predicted by the Jesuits as the termination of his career *. After the publication of this brief all the Jesuits' property was seized, all their schools colleges offices and hospitals were suppressed throughout Europe, their authority and duties were transferred to the ordinary local priesthood, and each individual of this order was compelled to receive the habit of a secular clergyman.

Any society may be legally disembodied and dispersed, but unless its members be banished or annihilated it will remain like a broken mirror with the image reflected in every fragment: the same cause which first inspired it, the spirit that formed it, supported it, and held it together so formidably as to make its dissolution expedient, will still pervade every atom of the mass; and unless changed to some other shape or name, it will yet act in secret union, but with a more insidious, envenomed, and mischievous feeling than before. Such was the conduct of the Tuscan Jesuits.

The Archbishop Incontri repaired to their college of San Giovannino in Florence and with a mild voice read the papal brief to its inmates, at the same time enjoining them to relinquish the dress of their society and assume that of secular priests: he interdicted both preaching and confession, but permitted the celebration of mass in their own church until the order were completely dissolved. At the novices' college he repeated this ceremony and appointed two priests to take charge of both establishments; the secretaries of the supreme magistracy seized the property for government, and twenty crowns were finally given to each individual member for the purchase of a secular habit.

Thus fell the celebrated order of Jesus in Tuscany! Their

* See a curious and interesting account of his illness and death in De Potter, "*Memorie di Scipione de' Ricci.*"

last general was Lorenzo de' Ricci, a Florentine and cousin to the excellent Bishop of Pistoia; he was imprisoned; it does not exactly appear why, in the castle of Saint Angelo, secretly interrogated about the society but without any particular result, though from Ganganelli's character probably not without reason, and a short time after terminated his days in confinement. The various colleges of this order were similarly dissolved throughout Tuscany, but its spirit remained, indignant subtle and vindictive; dispersed like fallen mercury, yet ready to unite and gravitate by the slightest external movement, and each particle acting with more concentrated malignity.

When the vast fabric of this singular association is contemplated, with all its delicate machinery, the ease force and subtle nature of its movements, its numberless feelers, its attractive and grasping instruments, its monopoly of the world's education; of the cabinet, pulpit, and confessional; the quantity and ability of its writers, and its unbounded influence; we shall not marvel that on the fall of such a column many people believed that the whole ecclesiastical edifice would come tumbling down, and catholicity nay even salvation itself disappear in the ruins. During the excitement of such apprehensions even the pontiff's power of dissolving any religious order was audaciously questioned; and some laudatory expressions applied to the Jesuits by the Council of Trent were cited as a formal sanction of the order which required a similar authority to invalidate. Those who on the contrary considered Jesuitism as the corrupter of gospel truths; as the cause of prolonged discord in the church; as the persecutor and oppressor of all who opposed its own authority, and as the disturber of religion, good government and civil society; all these triumphed in this signal act and boldly vindicated its justice. But from this moment a new and general interest in ecclesiastical affairs, and a strong spirit of religious altercation became apparent in Tuscany: Leopold's

reforms kept these alive and busy but his progress in them was materially assisted by the Jesuits' funds: about the lay appropriation of these no question seems to have arisen either in the mind of Clement or the public, so with this aid the Grand Duke was enabled to establish a more extended and liberal system of ecclesiastical education throughout Tuscany.

While determined to repel every papal aggression and confine spiritual authority within just limits, Leopold was no less serious in his religious professions, nor unobservant of exterior forms. With a sincere wish for public morality he was rational in his orders about the due observance of Sundays and Church holydays, and had occasionally issued instructions on this subject; but finding that they were frequently mistaken and often too harshly enforced; more especially in rural places where poor people suffered from the busy interference of rich and rigid pretenders to exclusive sanctity; he determined while maintaining their essential object to introduce those modifications which common sense and real piety required. To stop all vexations from officiousness he wisely ordered that no peasant should be prevented from pursuing his agricultural labours on Sundays or other festivals if neglect of them were likely to be followed by injury to the crop and therefore to the public at large, either from inclement weather or any other cause. This impunity was extended to millers, victuallers, carriers, venders of manufactured goods, clothes, and agricultural instruments, either as regarded their shop or any other place where they could more conveniently trade: neither were any lawful amusements, games, or exercises of the people prohibited; nor music, nor singing, nor dancing; nor other sport or pastime not positively forbidden by law; provided that all was decently carried on, at a respectful distance from the church, and not during divine service. The innkeepers and all that class of tradesmen were also allowed to keep their shops open for strangers or other persons resorting there from necessity, not intemperance; and the trans-

gressors of these rules were only required to furnish the police with a written acknowledgment of their offence, or if unable to write, a similar statement by witnesses; and then the law took its course.

Such were the Grand Duke of Tuscany's notions of that sabbath-breaking which has long been creating so much unnecessary disturbance in England, to the injury and annoyance rather than improvement of the poor; to the impunity and self-indulgence of the rich; to the regret of a rational age, and probably to the greater portion of a really pious nation. The essential truths of religion which our Saviour came to teach and taught so well and wisely, are perhaps even now but imperfectly comprehended by many; they are often confounded with mere formalities and all those accessory notions, which, as calm investigators have remarked, so many people make a part and parcel of their belief in despite of the clear and characteristic distinctions of Christ himself. Recreations inherently innocuous are not less harmless on a Sunday provided that they neither cause interruption nor neglect of our religious duties; wherefore it becomes unjust and consequently wicked to prevent six days of labour from enjoying the amusements as well as the relaxation of the seventh, or unnecessarily to expose harvests, (the peculiar gifts of Heaven) which might be saved by a Sunday's work, and thus hasten the distress resulting from diminished resources, with all the crimes and suffering which it commonly tends to produce. If the Jews of old, rigid as they were, might save their sheep on the day emphatically declared by Him who knew, to be "made for man," surely Christians may save their crops; unless indeed it be *unlawful* "to do good on the sabbath-day." Is the bounty of Heaven, man's sustenance, to perish in the field from too rigid adherence to a perverted and ill-understood law, adapted to the peculiar character climate and religion of a particular race and country, and nowhere enjoined by Christ? Food and raiment, inasmuch as their

possession removes some of our strongest temptations to crime, are the first steps to morality, but want and physical suffering are the poor man's readiest leaders into vice. The institution of a stated day of repose is wise and necessary; the identifying of this day with one of public prayer is also right, and good, and convenient; but any attempt to deprive the labouring classes of their harmless weekly recreation is particularly unjust, and the notion of making every slight breach of the sabbath a *moral* crime is preposterous. Such rigour establishes a false standard of morality, the observation of which through life being almost impossible, a first and imaginary crime is created in the youthful mind and committed, where none essentially exists. Sabbatism is at the best a merely prescribed, and not a moral duty; it was prescribed to the Jews by their wise and able legislator, in order that their cattle, and their man-servant and their maid-servant might rest as well as them *, but it is nowhere enjoined and scarcely even mentioned (except to justify its breach) either by Jesus or his apostles †. If the national law require a Mosaic sabbatism let its breach at least be properly defined and made what it really is, a *legal* and not a *moral* crime; for, alas! the catalogue of *unquestionable* sins is sufficiently long without any gratuitous addition of artificial ones. But to return.

About one year after Ganganelli's suppression of the Jesuits and while Ricci was still a captive in Saint Angelo, A.D. 1774. their destroyer expired: a minute relation of his death and previous illness which was transmitted by the Spanish ambassador at Rome to his own court leaves but little doubt of Clement's having been poisoned by that order but probably without the knowledge of their chief: they were audacious enough to foretel the very month and even as is

* Deuteronomy, chap. v., v. 14.

† "Let no man therefore judge you either in meat or in drink, or in respect of a holyday, or of the new moon, or of the sabbath days: which are a shadow of things to come; but the body is of Christ." (*Epist. Colossians*, chap. ii., v. 16 and 17.)

averred the very day of his death, the twenty-second of September 1774. No investigation was ordered either by the conclave or the new pontiff Angelo Braschi, a man of very inferior talents and character, who owing his success in life to the Jesuits soon changed the ecclesiastical politics. Leopold thus deprived, if not of a coadjutor at least of an enlightened neighbour that would have applied reason to reform, was now compelled to prepare for a conflict with the lowest intellect and prejudice, coupled with the highest and most absurd pretensions of the Vatican *.

A.D. 1775. So much corruption had penetrated into every part of monastic life, so many forms of seduction were practised, so many young women were ruined by inconsiderate vows ere they could comprehend the true nature of their obligations, their own bent of mind or the force of natural passions, that Leopold resolved to restrict as far as he could, every inducement to this unnatural and generally irreligious existence: yet there were many that from pure notions of moral duty had in advanced life retired to pious contemplation whose quiet was broken and their mind disturbed by the quarrels of discontented nuns; wherefore to mitigate such evils the Grand Duke commanded that no girl should be admitted, even as a pensioner for education, before ten; or assume the habit as a lay sister before twenty years of age; and that no lay sister belonging to conservatories or public female seminaries, (neither being then subject to vows or cloistral confinement) should by a toleration of abuse be any longer considered as nuns. For six months previous to any young woman's becoming a nun he ordered that she should go freely into society and afterwards undergo the most searching examination by a clergyman unknown to her family or convent, but in presence of a board of examiners; in order to ascertain that the girl's inclinations were not forced or unduly

* De Potter, vol. i., p. 23, and Appendix, vol. iv., *note*, p. 152, where the dispatch is given at length.

influenced, and subsequently to judge of the propriety of her completing the act. If the result proved satisfactory and that her six months' free intercourse with the world were clearly established, the ceremony was allowed to proceed to its termination. The entrance-portions of lay sisters were then regulated, and the liberty of quitting those conservatories where no vows were taken, distinctly established*.

These checks Leopold hoped would be beneficial, and he therefore carried a similar reform into the male convents on the simple principle that in a state of society where no man until a specified age was deemed legally competent to dispose of his own property, it would be preposterous to sanction an inconsiderate disposal, not only of his possessions but of himself, and that too by irrevocable vows generally leading to bitter repentance. By a mandate of May 1775 he accordingly fobrid any youth under eighteen years of age to assume the habit of an order subject to vows, even as a lay brother; or to make the final profession until twenty-four; and any evasion of this law by entering foreign convents, deprived the offender of all national rights and privileges as a Tuscan.

This serious assault on old conventual abuses was followed up by the abolition of a self-imposed tax called the Ecclesiastical Decima, announced in an edict of the eleventh of May 1775. It had been originally levied to stop any lay interference with church property, and supported the Florentine college until Cosimo I. appropriated it to that of Pisa: the expense of this was now charged entirely to government; lay and ecclesiastical property were reduced to one level, and subjected to one tax called the Grand-ducal Decima; and thus an ancient and formidable privilege was promptly and happily annihilated, the royal supremacy vindicated, the revenue augmented by bringing about one-third of Tuscany within its action, and a powerful insolent priesthood curbed and bitted in

* Edict, 4th May.

the most sensitive part of its extravagant pretensions. But this edict did not take effect until the first of January 1776.

Public inutility and idleness in priest or layman were an abomination in the sight of Leopold and their abatement was one of his continual efforts: in Tuscany he had ample materials to work upon, and every branch of ecclesiastical government was abundantly prolific of such fruit; wherefore it formed his principal object of attack, and the more so because of its peculiar influence on public morals and popular habits. By a rescript of the twenty-second of October he therefore interdicted any more cathedral ordinations than the service of religion absolutely required; for the purpose as he expressed himself of preventing an "*increase of indolent and idle clergymen.*" It was the custom in those days for swarms of monks under the name of sacred missionaries to wander over Tuscany begging alms for the celebration of masses, enticing peasants from their work to hear useless, if not mischievous sermons; selling false indulgences, and spreading idleness amongst the rural districts, to the great injury of morals and general detriment of the state. All this Leopold endeavoured to remedy by forbidding, except with a license, any conventual priest thus to act; and even when so licensed, the discourses were only to be delivered in churches and without pomp or ceremony. He then, by a circular of December 1776, attacked the Tuscan hermits whose numbers and depravity called loudly for reform: they were legally designated as a licensed race of beggarly hypocrites who in addition to their general wickedness had especially applied themselves to smuggling, and always pleaded ecclesiastical inviolability as a protection from justice. It was only by a "*Processo Camerale*" which was beyond law and may be rendered a Star-chamber process, that these miscreants could be reached with effect, for they clung to an authority equally beyond law; and a second circular in restricting their numbers to six, who were still permitted to remain, designates them as beggars,

vagabonds, and *degraders of the clerical habit*; a strong epithet this, at a period when some of the Tuscan clergy were almost annually convicted of the grossest moral crimes, and notorious for their wickedness! A third circular issued in April 1777 denounces them as having wholly departed A.D. 1777. from the original object of their institution, and having with other sturdy beggars tormented all Tuscany by their excessive and importunate mendicity, besides being utterly useless to either religion or the state. More vigilance was recommended to the bishops both over these plunderers and other branches of the inferior clergy, for the latter habitually offered their houses and even the most holy places of their churches as secret receptacles for contraband trade which seems at this period to have been a common pursuit of the priesthood.

In October 1775 a bull was obtained from Pius VI. to abolish all pensions on Tuscan churches and benefices, except the cathedrals of Pisa and Arezzo which for some reason were omitted, in order that such revenues should be employed, according to their original intent, in church repairs and poor relief: to insure its thorough execution Leopold issued separate instructions for each bishop, which settled the minimum of stipend to all incumbents affected by this bull at a hundred crowns or about twenty-two pounds a year; a slender provision but still a great improvement of their former wretched condition; private patrons were also forbidden to charge any of their livings with pensions, and the existence of poor clergymen was altogether ameliorated. The Grand Duke's object was to increase the respectability of parish priests, a class which if really worthy, he justly deemed the most useful in Tuscany; but he insisted on their being purely native, and issued several orders about foreign priests who were habitually introducing outlandish principles and strange ideas along with them, all upholding Rome at the expense of Tuscany. By a circular of November 1777 his *Exequator* was declared necessary to make valid even papal

dispensations, which had most perniciously augmented in matters of ordination and church discipline and were easily procured from Rome at a very trifling charge, although contrary to the canon law.

A lazy and useless train of licentious friars, in numbers so great as to reduce the public resources, intruded on Leopold's reflections from the very beginning; but they formed a close unbroken chain, sensitive in every link from the pontiff downwards, and charged like Leyden jars, with the most subtle fluid, both difficult and dangerous to handle.

The practice of mendicity by those orders which held property, was suppressed as a pure robbery of the really poor, and an opportunity given for showing religious zeal and intelligence by the administration of spiritual and physical relief, the original duty of their order. They were amongst other things questioned on the most effectual mode of employing themselves for the public service and becoming really useful, especially in the relief and education of poverty, and attendance on sickness; or by any other beneficial employment of time not necessary for their particular duties; which nevertheless, as the prince informed them, would be best fulfilled when the order was most laudably occupied. This assault on the castle of indolence was accompanied by a parallel attack on the secular clergy, who however required a different treatment: the great object here was to restrict their excessive numbers to the real duties and necessities of religion, and to make their character respectable; to prevent degradation through insufficient stipends; and by exacting rigorous proofs of moral and intellectual fitness, with their real motives for entering holy orders, to secure a body of worthy pastors likely to stand high in public estimation and perhaps be imitated in their exemplary conduct. But above all classes of clergymen the parish priests most occupied Leopold's attention as morally and preëminently influencing

A.D. 1778.

the lower orders; and as needing rather a superabundant than a scanty supply of worldly comforts in order to give free action to benevolent hearts and attract more reputable candidates for so grave a charge.

For the release of episcopal authority from papal usurpation the bishops were ordered, by a circular of January 1779, to demand as one body the several powers expressed in a note of thirty-four articles drawn up by Leopold himself, but with what success does not exactly appear; several of these claims however, if not all, seem to have been granted by the pontiff, or else taken for granted by the sovereign of Tuscany. Being far above all superstition and bigotry, but convinced of the necessity of a union between religion and morality in their beneficial influence on public character, Leopold while reverencing the church, endeavoured to secure its right to such reverence by promoting a zealous performance of ecclesiastical duties amongst its members, and attention to its real dignity. His views, which may be traced through several successive decrees, are substantially comprised in a circular of January 1780, addressed to the Tuscan bishops and replete with sense mildness and intelligence *.

A.D. 1779.

A.D. 1780.

But with every desire to support the clergy in the discharge of all legitimate functions, he was no less resolved to keep them in their proper sphere, and prevent if it were possible any disturbance from worldly attraction, above all from politics. The prelates were consequently recommended to exert themselves in attempting to raise the moral condition of the priesthood and making it more venerable by their own conduct; to secure moral intelligent and efficient subalterns, and to pay especial attention to the parish priests as the most useful and interesting portion of the church establishment; for this purpose the whole series of royal instructions was again re-

* Circulars of January 1776 and 1778. March, 1769 or 1779. Circular, Octo-
Laws and Circulars of 2d and 18th ber 1779, and July 1778.

called to their attention *. He recommended that the poorest of them should be completely exempt from tithes and cathedral dues, that there should be unions of smaller benefices to form one in which the incumbent could live with decorum; that the bounds of parishes should be reformed for general convenience, and that no foreigner or any member of a distant order should be trusted with the education of youth or appointed to a religious charge without the royal permission. The bishops were further enjoined to prevent time being wasted in frivolous litigation or childish quarrels amongst priests or parishioners, which not only wasted the poor man's patrimony but were intrinsically indecent and foreign to that peace and good will which it was the duty of Christian pastors to encourage amongst their flock. A constant residence was made compulsory on parish priests; they were even forbidden to quit their post for a day if a single invalid were to be found, or that their absence interrupted any clerical duties. A new catechism was compiled and generally taught, and priests were earnestly recommended not to exact their fees and perquisites with too much eagerness, especially from the poor, towards whom they were urged to conduct themselves with exemplary mildness. The aged clergy were to be pensioned off instead of being driven by want, as previously, to seek an asylum in the public hospitals, where miserable and neglected they lingered out a life of lonely wretchedness. In the maintenance of church discipline, after all milder expedients had failed, bishops were to apply to the civil authorities, but became responsible for any harsh measures affecting innocent men, or tending to diminish ecclesiastical respectability. No less attention was necessary to the conduct of nunneries and conservatories: both confessors and preachers were to be secular priests of known reputation, and every part of the economy and behaviour of nuns was to be most rigidly super-

* Namely, Circulars of 21st April, 1777; January 15th, 1778, and August, 1779.
1773; March, 1774; 8th August, 1775; July, 1776; November, 1776; March,

intended; they were to be induced if possible to associate more publicly and peaceably together than before, and for this were allowed to change their convents when desired. The bishops were instructed to demand fresh powers from Rome for seconding these objects, also to superintend certain female conservatories whose inmates had been persuaded by interested priests to take monastic vows, and use every fair argument to bring them back; because the original use of such institutions was mere retirement from worldly troubles without subjection to the austerities of a cloistral life. Lastly, for the more effectual security of equal justice to priest and layman, their attention was directed to certain ordinances which commanded the removal of all but purely spiritual causes into civil courts whose officers and prisons were alone to be employed; and to have especial care that no Tuscan should be compelled to prosecute ecclesiastical causes in foreign tribunals, there being a second appeal at home should any decision of the nuncio's court prove unsatisfactory. Although the Church was originally subservient to civil government its influence mounted rapidly in the west after Constantinople became the eastern metropolis, and the Bishop of Rome soon began to assume a temporal as well as spiritual authority: he was in fact independent, and a pretence alone was wanting to break from Byzantine control which the iconoclasts very soon supplied. The support of Charlemagne and his race then augmented papal power, and all the western empire bowed in spiritual obedience: Gregory VII., with Matilda's zealous coöperation, confirmed and extended this religious autocracy on the wide basis of superstition, and his successors dexterously adopting the cause of rising liberty mingled together both the light and darkness of human intellect; concessions from weakness and superstition were soon woven into rights, and Heaven's direct interference was invoked to secure the web.

The divine nature of pontifical authority having been once

established, and its pretensions confirmed by successive acts of inspired and therefore infallible councils, everything appertaining to the priesthood became sacred; the terrors of both worlds were combined to stifle reason, the clergy in most countries, both in fact and principle, formed an insulated and alien power which owned no national superior, and Rome once more was mistress of the world! Privileges, originally extracted from royal simpletons, were soon worked into canons which defined them as inalienable rights; new canons confirmed and extended the old, but with continual encroachments; and these were again supported by fresh pretensions and acquisitions involving both spiritual and temporal in a sort of dual power the child of ambition the nursling of bigotry and the mother of ignorance. The immunity of ecclesiastical persons and property was in fact maintained by a fearful authority over the mind and body of individuals, and hence the spiritual and temporal arms were believed to be the image, manifestation, and even avengers of an offended God!

The canon-law and the "*Decretals*," or decrees of Rome, were artfully mixed and multiplied, and the celebrated bull "*In Cœna Domini*" was the essence and consummation of all; it was thus named from having been annually read on Good Friday during the Lord's Supper, but the daring additions of Pius V. in 1567 gave it peculiar interest. By this audacious pope every European sovereign was commanded not to impose any new tax or increase an old one without pontifical leave; its whole object was to lay every civil government, both spiritually and temporally, at the feet of Rome, and, without reference to its acceptance or rejection all Christendom was ordered to obey! The bishops were commanded to publish it, the inferior clergy to read it before their flocks, and the whole ecclesiastical body to fix it on their churches vestries and confessionals!

Cosimo I. having need of pontifical aid and trusting to episcopal discretion, suffered its presence without obedience;

Venice rebelled, and finally denounced it as destructive of all civil government and framed to make pontiffs sole directors of person property and conscience *. Such had ever been the uniform policy of Rome and the doctrine of Roman decretals, of which this bull was the essence; it in fact established the pope as sole monarch, unlimited in earthly power, whom all potentates were to obey under the penalty of dissolving their subjects' allegiance and the exposure of their dominions to foreign invasion †!

But presumptuous as this edict was, if two of its provisions had been obeyed Tuscany might have still flourished at Leopold's accession and many other countries would have been spared great misery; in England they would have been invaluable: the prohibition of increased taxation at the mere will of a monarch and the anathema against any restriction of the corn trade, whatever motives might have dictated them, would have insured a great mass of national prosperity. Cosimo, while permitting this bull's publication, shunned obedience to it, oppressed his people with heavy taxes, and forbid the corn-trade! Leopold diminished taxation, made corn free, but suppressed the bull! Yet he accomplished this task with considerable difficulty, and several attempts were made ere he finally succeeded. In a circular of August 1772 he complains in high displeasure of the bull *In Cœna Domini's* being still most audaciously published in some Tuscan dioceses although proscribed by all Catholic countries; and in March 1779 he was again compelled to express his displeasure on that subject: these were followed as well as preceded by other edicts forbidding ecclesiastical censures to be either published, intimated, or countenanced by any court in Tuscany, if involving temporal pains, and also against the promulgation of "*monitories*"

* "Reflessioni della Deputazione sopra La Bolla '*In Cœna Domini*,' presentata al Senato di Venezia." (*Apud de Potter*, p. 279.)

† "Scrittura della Deputazione '*ad Pias Causas*,' and '*Sopra la riforma degli Studj Publici*' di Venezia." (*De Potter*, vol. iv., *Appendix.*)

unsanctioned by the sovereign's "*Placet*" or "*Exequator*"*. Abuses introduced into ecclesiastical discipline by the mistaken piety of feeble minds often occasioned effects as pernicious as irreligion itself; and came by royal command more especially under episcopal correction: bishops were urged to explain publicly and distinctly the real nature of prayers and repentance according to the true spirit of Christianity, and also recommend to their flocks complete abstinence from every superstitious spectacle, from nocturnal meetings and public flagellations: these last had become so much in vogue that several of the lay religious companies were accustomed, more especially in Holy Week, to perambulate Florence by night, scourging themselves the while, to the great scandal of all unbelievers.

The number and abuse of church festivals was a fertile source of immorality, and so far from exciting pious feelings only imparted fresh activity to concupiscence: the poorer class although most needing instruction, instead of attending public teachers of morality plunged into extravagance gambling and licentiousness: thus with a sort of pagan intemperance all the disgusting orgies of bacchanalian antiquity were revived amongst the poor, through sacerdotal negligence, while pride luxury and ostentation tempted richer men into vain exhibitions of splendour, coupled with utter insensibility to the misery of their destitute brethren. Nor did industry, on which, in the words of Leopold, "*The people's happiness depended, and on their happiness that of the sovereign;*" suffer much less than morality: the Synod of Pistoia declared that while the number of holy days was restricted to the limits of prudence and charity, although the state suffered a loss it was still bearable, because useful in maintaining the equilibrium between temporal and spiritual good; but beyond this the consequence was dissipation, idleness, a diminution of public wealth, and injury to religion†.

* Circular, 10th January, 1778.

† Pius IV. seems to have been of the same opinion; for when the Romans complained of the imposition of a new

A brief of Pope Benedict XIV. forming the basis of a law by Francis II. in 1749, was intended to augment the number of working days, but the latter failed by enjoining an attendance at mass on the reformed holy days; this gave the people a false idea of their real object and a belief that in hearing mass alone consisted their utility instead of the leisure and opportunity thus given for meditation and moral instruction. Holidays, half-holidays and Sundays were confounded together and the pretext of hearing divine service in the towns served for every sort of dissipation, "for pagan enjoyments or judaical repose" *.

Pilgrimages to foreign lands were prohibited in 1773, and again in 1780, as sources of injury and disorder to private families; preachers were ordered to confine themselves to a rational exposition of the Divine Word, to the exaltation of virtue, the disparagement of vice, and above all to abstain from disseminating maxims that partook more of superstitious errors than religious truth. Bishops and archbishops, according to Leopold's notion of their office, were expected to act with paternal affection towards the poor, to sympathize with them and administer comfort in time of trouble; wherefore these points were seriously pressed upon their attention, and as they occupied the best position for becoming acquainted with the little wants of their flock, new and peremptory instructions commanded them on their peril to furnish every detail of so important and interesting a subject for the Grand Duke's especial information.

Small religious societies were suppressed and their funds applied to promote a moral and industrious education for the poor; laymen alone were to be clerks of ecclesiastical

tax, he replied: "*You have more reason to complain of Paul IV. who deprived you of a day's work by instituting the Feast of Saint Peter's Pulpit.*"

"Actes et Decrets du Concile Diocesain de Pistoia de l'an 1786, p. 596, et seq^r." (*Pistoia*, 1788.) Circulars, 8th May, 1772, and 21st June, 1777.

* Actes du Concile de Pistoia, p. 606.

courts and the title of "*Promoter Fiscal,*" previously held by an officer of such courts, was by an order of January 1779 to be dropped; because the fisc was in itself a mark of sovereignty indivisible from supreme power. Besides these Leopold endeavoured to impress most strongly on the episcopalian body that all orders from government on ecclesiastical affairs were to be scrupulously and conscientiously obeyed as beneficial to prince and people and always in reality promoting the true spirit of religion, a cause which he assumed to be nearest their heart. These details though minute must not be considered trifling; they were the small entangling roots that embarrassed government, perplexed justice, checked the growth of civilization and national prosperity, and were some of the most efficient instruments of papal supremacy.

The regular clergy were also, by two circulars of January 1780, brought more immediately under episcopalian supervision: they were the habitual frequenters of clubs, coffee-houses, theatres, low taverns, gambling-houses, common brothels, and every other disreputable place of public resort, so that their excessive depravity became notorious and generally complained of, especially the habit of following and assiduously attending on women. The bishops were therefore commanded to see that no monks or friars deviated from monastic rules, that they never walked out alone without legitimate reasons, and that they did not abuse those indulgences accorded to age and presumed respectability, by habits so derogatory of their sacred character. To give this more efficacy all foreign superiors and sub-superiors of convents were ordered to quit Tuscany within two months after the first of June 1781; and no foreign ecclesiastic, except mendicants and attendants on schools or hospitals, was thenceforth to be received in native convents, or even allowed to preach in the country. Whatever good or evil might spring from the Tuscan church Leopold determined should at least be of home growth, because the former would

A.D. 1781.

be more creditable, the latter more easily controlled than the acts of strangers. All foreign bishops or vicars connected with Tuscan dioceses, although irremovable by him, were nevertheless commanded by several circulars of June, January, and December 1781, and April 1785, to produce their papal bulls of election for the affixion of the royal *Exequator*, without which no act of episcopal jurisdiction was allowed.

By a severe and well-sustained investigation of character Leopold endeavoured, through parish clergymen, to propagate more reasonable ideas of Christianity and a somewhat purer morality amongst the rural population: wherefore with the zealous coöperation of Scipione Ricci, Bishop of Prato and Pistoia, he published a more rational catechism than was before in use; one that taught practical duties rather than theological mysteries, and addressed the understanding more than the imagination. In the belief too that popular ignorance produced disorder and immorality, he encouraged a constant attendance at the catechist's lectures and deep attention to the principles there inculcated, which being founded on pure Christianity came home to every mind and suited every capacity; whereas public preaching; discouraged by the Grand Duke as incomprehensible to the great majority of the poor; only gained a reputation for the preacher, and even when it succeeded in exciting an evanescent feeling, or making some momentary sensation in the public mind, it rarely left men better citizens Christians or Catholics than before; and the Archbishop of Florence, who zealously assisted him until his own quarrel with Ricci, was exhibited by Leopold as an example for the Tuscan prelates *.

As a consequence of his system of investigating the clerical acquirements and morality even of the highest ranks, he commanded that cathedral stalls, previously bestowed on nobles alone, should still continue to be so filled A.D. 1782.

* Circular, 17th January, 1782.

when such appointments brought no detriment to the public service and when consistent with justice to other candidates; but in both cases requiring that men of high mental powers and unexceptionable character should be selected. It was therefore decreed by a circular of the seventh of March 1782 that when two candidates appeared of equal fitness, the noble, according to ancient privilege, might be preferred; but never before superior worth in an inferior station. Unless executed and enforced with great rigour and conscientiousness this regulation would of course relax into partiality, because rank commonly imparts an unnatural lustre to talents that is apt to dazzle; but the principle was good both intrinsically and as a basis of action any deviation from which constituted an abuse, liable to reprehension and incapable of defence.

The important influence of mothers over their children's future character came strongly on Leopold's mind, for he perceived in the natural association between them the germs of much good or evil, of public and private misery: he saw in the tenderness of a benevolent mother the sun of heaven nourishing a fruitful vine; he knew that from this source, if pure, great worldly blessings were likely to flow both for the individual and commonwealth; and in a religious aspect he believed, as an unknown modern author has expressed it; that children "could only see God reflected by maternal care in the earliest years of their life; they could only be conscious of the existence of the 'Invisible God' through the tenderness of a mother's love; of the 'Just God' through a mother's impartiality; of the pardoning God in a mother's forgiveness; of the 'Long-suffering God' in a mother's patience; and of 'Holy God' in a mother's purity!" Amongst other means therefore of promoting morality in young women he allowed no marriage portions (then an extensive branch of public beneficence) to be bestowed on girls of doubtful character, nor on any that could not produce testimonials of having regularly

attended catechistical lectures. Such measures; considering the pains taken to secure wise precepts and virtuous examples by raising the priestly character; together with the stimulant of reward, were more efficient and important than they would now perhaps appear *.

The anger of Rome at beholding this rapid current gradually sapping and sweeping off her ancient usurpations, was excited to the highest by the Inquisition's downfall, a tribunal whose power under the Medici was as great and terrible as its character was cruel and implacable, and in which the most inexorable inquisitor was sure to find the easiest and quickest road to church preferment at the Vatican. The sufferings of a certain Tommaso Crudeli who in 1739 was shut up in the Inquisition, led to his release by Count Richecourt and ultimately to the destruction of that office; but its immediate effect was the appointment of a lay assessor and the abolition of its prisons, bailiffs, and secret processes, as before related; and Benedict XIV. was contented with the mere shadow of a tribunal whose previous spirit he never could have approved, whatever his own position and the force of circumstances might have led him to contend for. Pope Lambertini had in fact often said to his intimate friends, that "if princes were aware of their rights they would have "accomplished more than they had hitherto done, and without "any permission from the Vatican; but as they *did* condescend "to ask, their requests should be graciously recorded and "pontiffs remain well contented with their courtesy." Pius VI. was of a baser stamp both in talents and character, and contended for every absurd obsolete and untenable pretension of the Church: to combat the Vatican had it been necessary, while ruled by a Lambertini or a Ganganelli, Leopold would probably have put different powers in motion; but one stroke of his pen was sufficient, in this instance, to overcome a Braschi, to sweep this once formidable tribunal from off the land, and free

* Circular, 25th June, 1782.

Tuscany for ever from its chains. There was a necessity however to give reasons for the act; wherefore the Grand Duke declares, in his preamble, that after mature consideration, and being alive to the necessity of maintaining the Christian religion as a duty inseparable from sovereignty; and after having carefully examined all the alleged rights of the Inquisition, and the various steps taken by his predecessors to restrain its ministers within those limits prescribed by the zeal and example of the primitive church, in which gentleness and charity, not punishment, were the means used to re-conduct wanderers to her maternal bosom, he finally pronounced this office to be no longer necessary. "If the Church," he says, "at the end of twelve centuries thought proper to suspend its mildness and institute tribunals of extreme and unusual rigour, with duties that could not be legitimately executed without a shock to the pastoral character under episcopalian jurisdiction, and therefore tending to separate the cause of true faith from that power; it was perhaps constrained thus to act from the extraordinary state and miseries of the time; but those reasons, which might have justified the tolèration of a lesser evil, having now ceased, most governments had secured public tranquillity by the abolition of this court or the modification of its laws and constitution; amongst others Francis of Lorraine had prudently arrested those violent proceedings which had previously been so frequent in Tuscany." Wherefore considering this tribunal to be useless; that bishops were the proper guardians of the faith; and that sharing so important a duty with others would only weaken their zeal, which on the contrary required strengthening by their own single responsibility; Leopold, by a short edict of July 1782, abolished the Holy Office for ever, even to the very name; cancelled every inscription on its convents, seized its possessions, delivered over its archives to the bishops, and applied all its revenues to benefit the parochial clergy. The episcopacy was then replaced in its

legitimate authority over matters of faith, but admonished, that whenever the public scandal was likely to be greater than any benefit resulting from a passing transgression, the bishops were rather to try and reclaim the offender by mildness than employ the more violent authority of law.

All Leopold's efforts to stop young girls from becoming nuns seem to have hitherto failed, for another decree appeared in 1782 on that subject, which forbid the receipt of any portions by convents on such occasions; but the girl's family was not relieved from this expense for the amount was thenceforth to be given to the nearest hospital, and the nunneries were not only deprived of such benefit but interdicted from receiving more sisters than their revenues could support. Even this was unsuccessful in checking the mania for conventual seclusion; wherefore eighteen months after, a scale of heavy fees payable to hospitals on these occasions, was published by authority and adapted to family rank, wealth, and other circumstances *. Parochial tithes next came under the Grand Duke's consideration as an impost inherently depressing to industry by its discouraging influence on improvements, and hurtful to Christianity as the source of discord between pastors and their flocks: wherefore to spare the clergy those unpleasant sensations which spring from a too eager pursuit of gain in their parochial intercourse; a feeling destructive of all that mutual confidence and kindliness which foster public comfort and morality; Leopold resolved virtually to abolish ecclesiastical tithes altogether, and his method was simple. Having a poor parish clergy to enrich instead of a rich one to reduce, and no lay proprietors of tithes, his own power was indisputable; nor was

A.D. 1783.

* By a mandate of 25th January, 1784, noble Florentine girls were to pay 750 crowns; girls of any other city 450; Florentine citizens' daughters 200 crowns; other citizens half that sum; 80 crowns for daughters of small landed proprietors and inhabitants of little towns; 50 crowns for artisans' daughters in all places, and foreigners' fees in each of the above-named classes were just double; lay sisters paid 25 crowns; and all fees were to be received at the hospital previous to the ceremony.

there any temptation to use the names of religion and justice as a war-cry of the self-interested in opposition to a great and universal good. In every parish where the priest's income was eighty crowns, the parochial tithe ceased, incumbents actually in possession being however allowed to levy the tithes during their stay; but in less valuable livings the annual stipend was made up by a permanent suppletory contribution which was in fact abolition, because no longer a tax on improvements; and the sovereign had other means in action for placing the Tuscan priesthood beyond those petty squabbles and heart-burnings thus engendered: besides it was not his custom to sacrifice human life, even with every form of law, in the forced exaction of a hateful impost under the sacred name of religion. The clergy were forbidden to interfere with this tithe impost, or with tithes in any shape, which were to be raised by treasurers of communities who deducted five per cent. for the cost of collection. To remove every possibility of dispute between priests, treasurers, and parishioners, the "Giusdicenti" were ordered to value that produce of which a tithe was usually taken by the incumbents of their districts, and to distribute the amount in just proportions as a general tax; so that where this burden still remained one of its greatest evils was prevented and it nearly ceased to be an impediment to industry.

It was not a single command under any form, even from the autocrat of Tuscany, that could secure prompt submission in the priestly ranks when church privileges were threatened or any source of ecclesiastical revenue obstructed; and whether from the secret countenance or weakness of bishops or the easiness of governors; or the characteristic negligence of all Italians, prohibited collections for masses still continued until Leopold; who was not the man to launch an idle edict or allow it to be afterwards becalmed; by a circular of March 1783 peremptorily interdicted all money or other kind of gathering for such superstitions or other purposes, as a custom that produced

unmixed evil without instilling any piety into the people, but which on the contrary detached them from those duties and employments prescribed by religion itself. Even this seems to have failed, for about three years afterwards the order was repeated and enforced on all but the regular Companies of Charity and the privileged mendicant orders: so strongly did the soul's repose affect living bodies through the pockets of an artful priesthood! That portion of the Tuscan clergy subject to foreign prelates was the most unhappy and dependent in consequence of numerous charges on their benefices beyond what they could bear; as one means of remedy Leopold stopped the payment of all fees and similar demands, which under various names had previously been remitted to foreign bishops holding Tuscan sees: but the cures of Tuscany were generally dependent and impoverished, and therefore held by people of a low illiterate stamp who through fear of dismissal obeyed every unjust command of their patrons. This more especially prevailed in those livings under ecclesiastical jurisdiction or patronage, where the incumbents were not only reduced to a wretched existence, but even deprived of any regular stipend by the excessive desire of bishops to augment their own rents. After a partial remedy, by appropriating the funds of suppressed convents to aid the most necessitous, A.D. 1784. Leopold particularly turned his attention to benefices depending on abbeys convents and other corporations, and by a circular of January 1784 made such curates immoveable, therefore quite independent of their patrons; who were moreover compelled to pay them a specified salary fixed by government, with reasonable deductions for church repairs, religious functions, and taxation. In some districts the patrons could unite two or more benefices, and were everywhere forced to complete all stipends to the legal amount from their private funds as well as to reduce every superfluous expense belonging to mere ceremony, and even abridge the

number of their canons and chaplains. Yet in defiance of all this the royal orders were disobeyed and complaints were continually made by parish priests in want of the means of life, and from parishioners so poor as to be incapable of supplying them; all accompanied by frequent disorders, as shameful to the clergy as they were prejudicial to the people. New funds and new measures became requisite: Leopold then conceived the idea of a permanent board to superintend the execution of his orders, which he saw remained without vitality when left to the discretion of interested patrons or episcopalian negligence; for no law is self-acting. This board was to have exclusive charge of the "*Church Patrimony*" a fund which he had established in every diocese from the spoils of suppressed convents and societies of all kinds besides a considerable outlay of public revenue. Vincenzio Martini, secretary of the crown rights, to whose department all these things belonged, was put at the head of this commission, assisted by the historian Riguccio Galluzzi and Doctor Vincenzio Sgrilli; by a mandate of October 1784 a weekly report of its transactions was required comprising every financial detail of clerical affairs, the permanent expenditure of parishes, stipends of priests, and all temporary expenditure for spiritual functions in each diocese, the whole being partly or entirely charged on the fund of church patrimony, itself a mere dependant of the crown with revenues based on the sale or leases of useless church buildings and moveables, the produce of which was invested in the public funds.

It has been already noticed that Leopold amidst his other occupations had been incessantly employed on the improvement of civil and criminal justice, and no branch of these departments required more revision than ecclesiastical courts; for besides a self-assumed independence of civil authority, the country was aggrieved by their excessive expense, their interminable delay, their tedious process, and their organized system of excitement to a ruinous litigation amongst their clients,

all accompanied by the sole use of a dead language utterly incomprehensible to the majority of suitors and differing from that used in every other tribunal of Tuscany. In the ecclesiastical courts the suffering was greater, the delay greater, and the cost greater than in any regular tribunal; wherefore a thorough reformation became necessary, and on the thirtieth of October 1784 this was most simply accomplished by an abolition of the whole system. Leopold publicly informed the nation, or rather the pope through the nation, that though it were once deemed necessary, in unenlightened times when all knowledge was confined to priests, and when discord rendered lay tribunals suspected, even with greater powers than they in his time posssesed, that bishops should be invested with civil jurisdiction; it did not thence follow that any sovereign had given up his right of revocation and the reassumption of all his ancient authority whenever it became expedient. He also expressed his disapprobation of a system which drew clergymen from their more sacred duties, studies, and graver occupations, and plunged them into a sea of legal disputation, of worldly passions and forensic chicanery; all diametrically opposed to their spiritual functions and Christian character. To remedy this and at the same time establish a uniform administration of justice clear of all clerical interference and papal usurpations, the Grand Duke, by an edict of October 1784, decreed that all Tuscan subjects both lay and ecclesiastical should make use of secular courts alone, and every kind of church jurisdiction, except in purely spiritual matters, be thenceforth abolished; the civil contract of marriage not being included amongst the latter. Even in the criminal branch of these, all the penalties were to be exclusively spiritual and applicable to ecclesiastics alone; and if of a grave character only to be ordered and executed through civil judges: the use of Latin was also abolished in every ecclesiastical court, and the scale of fees regulated according to that of the lay tribunals: their clerks were only to be chosen from

among doctors of law in the Tuscan universities, their incomes to be paid out of the diocesan chest; into which all ecclesiastical emoluments from legal sources passed monthly; and the number of these clerks was rendered incapable of being increased.

Thus terminated the reign of church jurisdiction in Tuscany along with the insolence of an ambitious and unscrupulous priesthood, the most odious and debasing of all despotisms; odious from its contrast to the humble, pure, unaspiring benevolence of that faith which the priesthood is peculiarly bound to maintain, and debasing because it enslaves the mind and sinks man almost to the level of irrational animals.

A.D. 1785. The religious societies, which under various names of "*Companies*," "*Congregations*," "*Centuries*" and "*Terziari*," or "*Third Orders*," abounded in Tuscany, and especially at Florence, where they amounted to the enormous number of a hundred and seventeen, did not escape amputation by a prince who made reason utility and industry his principal standards of excellence. Accounts of their number, regulations and social constitution were therefore demanded in order that some judgment might be formed about their utility in an age so different from that in which they were founded. All Italy had in fact once swarmed with such institutions, and according to Muratori even ancient Rome and Greece had similar companies: in modern Rome antiquarians discover their traces so far back as the ninth century, and in France to a much earlier period but essentially differing in character as being purely religious and ecclesiastical. The more modern lay companies are believed to have originated earlier and from a German source, for they may be traced to the year 800 under the denomination of "*Gilda*," a name derived from the pecuniary contributions of their members and still preserved almost unaltered in our own Saxon "*Guilds*" *.

* Called also "*Gildonia*" and "*Geldonia*," from the Saxon verb "*Geyldan*," or "*Guildon*," to pay. (Vide *Sumner's English Glossary.*) "*Gil-*

These were however mere clubs where a common purse was kept for conviviality and charity, yet their primitive intention seems to have been a desire of meriting divine favour by pious works, which were however so little adverse to joviality that wine became the frequent source of contention and other disreputable acts at variance with their more serious objects. At Venice and Milan they were called "*Schools*," and according to Muratori are scarcely to be traced during the tenth eleventh and twelfth centuries except in the former city; because from the nature of its government Venice, having mainly avoided those civil broils which convulsed the rest of Italy, continued to retain these societies, while in other places they were suppressed through the effects of faction, and their revival prohibited. The period of their reëstablishment seems to have been about the year 1260 when whole armies of fanatics called "*Flagellanti*" marched from town to town, from country to country, chastising the outward man for Christ's sake and filling the inward with public charity for their own, while they imparted their spiritual enthusiasm in exchange for these temporal benefits. This frenzy although so rapid in its course was not the less permanent but became greatly modified in its subsequent character: hence the rise of confraternities who walked in solemn state to their several churches, with banners scourges and missals, chanting hymns, and inflicting stripes; and this, in the opinion of these "*Battuti*" as they were afterwards called, formed the very essence of religion and virtue and the surest road to salvation! About the year 1399 came the "*White Company*" of Flagellants whose origin was an Irish miracle the fame of which

halda" was also the name of a fraternity of Easterling merchants who resided at a place called the "*Still-yard*," in London; probably from the "*Steel-yard*" by which merchandise was publicly weighed. Hence also, according to Muratori, the etymology of the obsolete Tuscan word "*Gualdana*," signifying a company or any small detached band of soldiers; and continually used by the old authors. Thus Dante:—

"Corridor vidi per la terra vostra
O Aretini; e vidi gir *Gualdane*
Ferir torneamenti e correr giostre."
Inferno, Canto xxii.

flew far and wide, and successively agitated England, France, Piedmont, Genoa, and Tuscany; then sweeping with wonderful velocity over all the Italian peninsula this holy tempest left deep traces of its sanctity in the public mind, and prepared men's hearts for new superstitions fanaticism and folly. The mania gradually became chronic and finally inveterate; but the creation of some companies was attended by symptoms of incipient reason, such as those of the Florentine bishop Saint Antonino, which were meant to secure a retreat for devout people in times of faction, when churches were unsafe, for the performance of their religious duties in tranquillity: some were embodied soon after the appearance of Mendicant friars, with the sincere and so far rational object, of assisting those infant orders in their primitive and as yet uncorrupted poverty; others again were associated with the laudable design of aiding parochial ministers in their spiritual functions, of removing sick people to hospitals, bearing the dead to their last home, and various other acts of beneficent charity. These were all improvements on the crude and wild devotion of the first enthusiasts; but even thus improved, only one of them had preserved its pristine vigour and pureness to the age of Leopold; all the rest had decayed: they were no longer assemblies for mutual edification and support, or fraternal charity, nor were they of any real service to religion; but on the contrary, scandalous by their discord, their litigiousness, and painful examples of sordid interest and dishonesty in the management of alms-money and marriage portions intrusted to them, besides their excessive corruption in distributing official appointments belonging to the society, for many of which they were merely executors. They had also become notorious for completely neglecting the parochial clergy; for vanity, rivalry, luxury, and extravagant expense; for excess at table, and for the great indecorum with which divine service was usually performed in their chapels. All these circumstances

formed in Leopold's mind a good cause for radical reform, which with him, when institutions had become effete, generally amounted to abolition. He was the more bent against the existence of these companies because they were not only useless in themselves but clogged all his measures to advance public instruction and morality; for numerous congregations were in the habit of attending their private chapels to hear incomprehensible sermons and quitting them fully persuaded of their having most conscientiously fulfilled the duties of the day, therefore free to commit any fresh act of extravagance or licentiousness that pleased them. Meanwhile the parish church was empty, the explanatory lectures on gospel truth unattended, the catechism disregarded, and the moral discourses on *practical duties;* which last Leopold considered as the great end of religion; sank into insignificance under a torrent of fluent absurdities from the merely metaphysical preacher. The consequence of all this was, that on the twenty-first of March 1785 every such society within the Tuscan state including the "*Terziari*" was suppressed; the Board of "Church Patrimony" seized their possessions both real and personal, and after the discharge of all just obligations added the residue, not already destined for religious use, to that fund. The abuse was great, the examples mischievous, the necessity for reformation paramount, and the precedent of little consequence in an absolute monarchy, still less so if that monarchy became limited; for in despotisms arbitrary acts want no precedent, yet have many, and in a limited monarchy it would scarcely have been imitated.

Much of this property was no doubt held by the companies as mere trustees and executors for those who had originally bestowed it in charitable purposes, which having been diverted from its primitive use called loudly for government's interference; but much must also have been private and belonging exclusively to the company as a body, and therefore could not

be justly seized for public use and public objects, however laudable, or however improperly the money might have been administered: this act was therefore universally unpopular, and partially unjust; it was an arbitrary act for a good cause, but hurt no man's private property or individual rights. Considering however that many of the original intentions of these associations were useful, the Grand Duke supplied their place by instituting a "*Company of Charity*" in every parish, which was directed by the priest under the title of "*Corrector*," and named after the local tutelar saint. They were formed by a voluntary association of young parishioners, possessed no property, and had no private place of worship: their principal duties were to attend religious ceremonies, to aid the sick, carry them to hospitals, accompany the Host, bear the dead to their grave, collect alms, distribute charity, and take children to mass and catechism. Nine of the ancient companies and amongst them the admirable "*Misericordia*" were spared in the general crash, but under strict conditions, and by particular request of the Archbishop: excepting these, all the "Companies of Charity" were to be governed by one common code applicable to the whole country; they were composed of every rank, and governed under the curate's direction by eighteen persons chosen for one year by lot with the several denominations of Governor, first and second Counsellor, Treasurer, four "Buonomini," two clerks, four sextons, and four attendants for the sick. Twenty-four members or "*Brethren*" were chosen by lot every month to perform duty and be ready at all hours during that period: the common expense of gowns and masks for the several members while on duty, (a custom adopted to conceal and confound ranks, as in the "*Misericordia*,") was very small, and paid by the parish. The "Buonomini" had especial charge of the poor and supplied them when necessary with food, labour, and moral instruction: they corrected parents who were not exemplary, restrained unsuitable luxury, and prevented as much as

possible the males and females of a family from sleeping in the same bed, a custom then prevalent amongst the Tuscan peasantry. 'The whole duty of these good men was of a high order, comprising that of Christianity itself, but like Christianity perhaps more admired than strictly practised: every month a notice appeared on the church door showing what alms had been received together with the month's expenditure and remains, and the number of poor people relieved.

A common custom in Tuscany was the bestowal either by will or gift of certain marriage portions for temporal and spiritual brides: many of these had been managed by the suppressed companies and remained untouched by Leopold's law; it in fact merely transferred them to new executors in the persons of parish curates and the "Companies of Charity;" yet having abolished the practice of portioning nuns he had no other way of complying with the donors' intentions but applying such funds to the more laudable object of promoting real, not mystical unions, amongst the poor. Any girl therefore who had resided in the parish a specified time with unblemished character became entitled to a marriage-portion between eighteen and thirty years of age, after which she had no claim unless previously named, but in such case her right of dower continued for five years longer. One sister could relinquish her portion to another, and even receive a second if her poverty and good conduct deserved it: the distribution of these dowers was made by the "Buonomini," who paid them on the wedding-day, but the nomination might take place at any moment after eighteen years of age. Thus did Leopold compensate for the despotic nature of this act.

Although the cloistral vow of poverty included a renunciation of worldly goods the Tuscan nuns were but little disposed to adhere strictly to their professions; on the contrary many of them accumulated private funds in the convents, managed their own expenses, and even lived separately from each other,

all which tended to disorder, covetousness, quarrels, extreme selfishness, and lastly envy, arising from inequality of condition amongst the sisters. The Grand Duke though an enemy to conventual vows deprecated the making of them in a society whose customs prevented their observance, and therefore insisted on obedience to cloistral regulations, but saw the necessity for a radical reform. By a "Notification" of March 1785, he reduced all those nunneries where the sisters would not live in common to the rank of mere conservatories; he endeavoured to keep the peace by collecting nuns of similar opinions in the same place; and he allowed novices, after their noviciate, to make a private profession before the Abbess and enjoy all the privileges of a nun until thirty years of age; but unbound by the last solemn act with which they entirely renounced the world.

The year 1785 was made remarkable in Tuscany by the Grand Duke's general order for the episcopacy to observe ancient ecclesiastical customs and canon law, in the biennial convocation of a diocesan synod composed of the principal churchmen, more especially the parochial clergy, for the purpose of reforming abuses of doctrine and discipline. These synods were to be followed by a general assembly of the Tuscan church to confirm the reforms already accomplished and decide on what yet remained to be done. The last was a great error, the source of infinite vexation to Leopold and all his most honest and really conscientious supporters. In pursuance of this object the Grand Duke condensed his own reflections into the form of fifty-seven questions which he called "*Ecclesiastical Points*," and transmitted a copy to each of the Tuscan prelates for his private and individual opinion: the bishops' answers were of course filled with protestations of willingness to meet the royal wishes, but neither satisfactory nor unanimous: Leopold perceiving how little could be expected from such materials in

A. D. 1786.

separate discussion, conceived the strange and far less promising idea of a general assembly or convocation instead of provincial synods. This was to be preceded by a private meeting of all the prelates, in which the fifty-seven "*Ecclesiastical Points*" (afterwards augmented by four) were to be freely discussed, so as to pave the way for unanimity of opinion in the future convocation. Such a project, excellent in theory, would have been no less admirable in practice had public good been the loadstar of each particular bishop, and the means of accomplishing it alike clear and satisfactory to all; but to expect harmony from instruments which separately were so dissonant, and generally so much opposed to the sovereign as to make synods useless, was preposterous; it implies ignorance of public assemblies, which seldom content those who only call them together on rare occasions, and especially to discuss self-reforms and class privileges or immunities: a public assembly must be accustomed to self-action and secure of its duration, ere it can act with calmness; if not, it is eager to make the most of its brief authority and becomes very difficult to manage.

Before this change occurred Bishop Ricci of Pistoia had promptly convoked his synod, and his successive meetings adopted almost by acclamation a series of wise moderate and liberal resolutions, nearly all in conformity with Leopold's opinions: after two months' sessions the synod of Pistoia was dissolved in the beginning of November, for Ricci had before been so indefatigable in reforming the clergy of his diocese and so successful in the result, especially by the dissemination of Jansenism, that he found but little opposition. His great labour was in attempting to accomplish a reformation of manners in nunneries, and counteracting the malignant cunning and profligacy of numerous suppressed Jesuits aided by the no less infamous Franciscan and Dominican friars of Prato and Pistoia. These two, although deadly enemies, detested reform even more than each other, and united to crush the

bishop, to ruin his measures, and even to attempt his life. The other monkish orders seeing Leopold's regards most sternly fixed upon them; shrinking under the vigilance of Ricci and a few more prelates, and dreading a disturbance of their actual enjoyments, joined willingly but clandestinely in the plot, which was entirely directed and fostered by the secret machinations of the Vatican. Innumerable writings issued from the press, and under papal banners the monks assumed a formidable attitude while they covertly inoculated the superstitious mass with their own virulence: all ranks became dogmatists, and but few were found so wise or modest as to imagine that they could possibly err in their theology, or with any mistrust of their perfect competence to decide the most abstruse and entangling points of the controversy *.

The revision of ecclesiastical courts and the prohibition of unsanctioned papal briefs and bulls in Tuscany, abolished the temporal without much hurt to the spiritual authority of the Vatican; but episcopal independence and more especially the Bishop of Pistoia's audacity in presuming to style himself "*Bishop by the grace of God*" instead of by the grace of the pope, was assaulting a papal abuse so very ancient as to have become venerable and even sacred in the eyes of churchmen; it was an attack on powers that would own no meaner source than Christ himself †. Popes were still most stoutly maintained to be the only true representatives of Christ, and all other prelates simple vicars to the Roman mitre: one universal bishop was thus, as they argued, decreed by divine grace as the only source of all ecclesiastical power, whence it flowed in various streams on those whom he vouchsafed to install. This doctrine was disputed by Ricci and all the Tuscan Jansenists, who boldly denied both the temporal power and infallibility of popes and wished to reduce the Church to its

* "Proemio alla Storia dell' Assemblea degli Arcivescovi e Vescovi della Toscana nell' Anno 1787." (*Firenze* 1788.)

† See Paul Sarpi's History of the Council of Trent on this point.

first principles; they therefore drew down the high-priest's indignation on their head*. Ricci moreover advocated an extension of episcopal authority along with that of the parochial clergy; he decided in the Synod of Pistoia that bishops received their authority directly and immediately from Christ, wherefore it could neither be lessened nor legitimately obstructed; on the contrary, he declared that they might reassume their original powers at any moment after suspension, if conducive to ecclesiastical prosperity as identified with real religion and the good of the Church.

These bold opinions so boldly announced struck harshly on the pride of Pius VI. who subsequently condemned them as schismatical; nor was he more pleased with Ricci's denial of a "*Limbo of infants*," which the latter called a Pelasgian fable; nor with his declaration that but one altar should be placed in churches; that the liturgy should be read aloud in the vulgar tongue; that indulgences were a scholastic invention, and their application to the dead chimerical; with many other daring announcements, all of them declared to be scandalous, rash, and injurious to the Holy See †. The acts of this synod created much agitation throughout Italy, especially after their condemnation; the press became active, mutual reproaches of heresy and clerical usurpation were energetically exchanged; Naples warmed with the like spirit, Spain was far from indifferent; Genoa, Venice, Lombardy, and all Catholic Europe most eagerly imbibed the prevailing notions of ecclesiastical reform, so that with a few more Leopolds and Riccis the Vatican might then have been shaken to its centre. The former had much to accomplish, wherefore both necessity and inclination made him set his shoulder to the wheel, and it required every effort, for the load was great, the mire deep, and the helpers scanty and unwilling; the regular clergy were most renitent, but the monks of Saint Dominick surpassed all others in turpitude.

* Actes et Decrets du Concile Diocesain de Pistoia, Decret i., vol. i.
† Ibid., p. 376.

As early as 1601 their extreme relaxation of discipline had become an object of public censure, and their spiritual management of the nuns scandalous even to criminality: in 1642 a petition was addressed to Ferdinand II. by the people of Pistoia demanding royal interference about the immorality of the Santa Caterina and Santa Lucia nuns; but the request was unheeded and these convents continued unmolested for a hundred and fifty years, until Leopold commenced those reforms for which he was branded with heresy and impiety. Finally from some conscientious or other motive, two Pistoian nuns belonging to the former convent denounced these disorders and the execrable principles taught by confessors of their order to the infatuated girls; against which the sovereign's protection was emphatically implored: these sisters showed how much worldly loss had arisen from the lavishing of money on insatiable confessors, and the injury to religion and morality was declared to be infinitely worse. The indecent familiarity of such confessors with the nuns, their free entrance into the convent by night and day, and the licentious spectacles that followed are much more vividly detailed than may be consistent with decency to repeat: eating, drinking, plays, and dancing, with merry songs and love-stories; sleeping nightly within the cloister, each monk with his chosen nun, formed but a portion of the religious joys that enlivened the cells of Santa Caterina of Pistoia. Indeed so common was this life that the amours of these Dominicans were discussed in their convents with all the freedom of youthful and mundane licentiousness; and in the nunneries either with the unblushing effrontery of harlots, or disguised in the more polished phrases of high and fashionable refinement. Each nun had her favourite monk, the chosen of taste or interest, and with all that self-denial so peculiar to females and so admirable when virtuously directed, many of these women renounced everything, sometimes even the common necessaries of life for the sake of their rapacious and heartless seducers!

Such effects result from obstructing the natural passions none of which are unreasonably bestowed, and turning that gush of genial tenderness, which properly directed might have enriched and adorned life's fairest garden, into the channels of disgusting licentiousness and crime.

The provincial superior of these Dominicans, when visiting nunneries, was accustomed like eastern sultans to throw the handkerchief and publicly nominate his "*Sposa*" by placing his own cap upon her head; then followed the subordinate monks, a separate cell being assigned to each, but arranged and cleaned, and the linen washed and attended to, all by these deluded sisters, the hapless victims of priestly concupiscence. These things, and many others still more disgustful, were officially reported to Leopold; proofs of them were deposited with Ricci who relates the facts, and moreover maintains that in despite of any consideration for particular families it was right to publish such transactions throughout the country. The testimony of these two malcontent nuns was corroborated by several members of the *Operai*, or Lay Board of Conventual Works, who at their professional and official visits became acquainted with what was doing; but afterwards more decidedly by a personal examination of the other nuns before the chief of police. After these scandalous disclosures Alamanni, then Bishop of Pistoia, had orders to assume the spiritual direction of convents and to prohibit the entrance of any monks within the cloisters on pain of imprisonment; but the nuns refused to acknowledge this octogenarian or his sober and aged confessors, as spiritual directors: they would only lay open their hearts before the youthful monks of their own order, and obey no other superior than the general of Dominicans. This mutiny was of course secretly fomented not only by those monks, but by the pope's nuncio and the cardinal protector of that order at Rome, who all encouraged the rebellious nuns to hold firm until the storm had passed: the advice was taken, and revolt continued:

church sacraments were obstinately rejected, the two complainants were stigmatized as apostates and schismatics; they were excommunicated and even menaced with death by poison or strangulation. Nor was this threat unlikely to be executed by a set of depraved women with passions strongly excited, and secretly backed by the highest spiritual powers; maniacs in fact who had broken all bounds of morality and with religious delusion revelled in unmitigated sensuality! Such was the state of Santa Caterina's votaresses at Pistoia when the bishop applied to Rome for more powers, but without even being listened to by the sacred college. Ganganelli was just dead and more interesting affairs than either religion or morality were then occupying its attention: Pius VI. treated the whole affair very lightly, pretended a disbelief of the facts and blamed what had been done, for he dreaded Leopold's reforming spirit and all its consequences. Alamanni died, and Ippolito succeeded: a Pistoian himself and related to many of the recusant nuns, who belonged to the first families of that city, he trusted to patience and gentleness for their reformation, but without success. These disorders augmented to such a degree that the Grand Duke, in hopes of a general measure proving more effective, ordered the Tuscan bishops to make a joint demand for the exclusive direction of female convents, an object which had vainly occupied the attention of his predecessors, and which Leopold resolved to accomplish. But the negotiator Fei who undertook this mission was overreached at Rome, where a process for every convent in Tuscany was demanded for the pontiff's information: this although a plausible request would have occupied years: those of the two Pistoian convents were already made, yet Ippolito's application was not only refused, but the refusal accompanied by a severe reprimand for renewing a subject which the pontiff trusted would have expired with the late bishop; also for acting in concert with Leopold, and for attempting to deprive the Pistoian nuns of all assistance from

the regular clergy of their own order; a plan opposed to canon law, and injurious to the church, to religion, and monastic reputation! It was in vain to represent that the real culprits and destroyers of character were those who committed the scandal, not those who published it for universal good: Pius VI. was inexorable, but to soften his refusal a few of the Tuscan prelates in whom he placed most confidence were allowed this privilege.

Bishop Ippolito was a reformer, a name generally odious in proportion to its necessity, because the very abuses that require it have previously created a band of well-organized opponents united to defend their interests: Bishop Ippolito was also in the right; an unpardonable crime in opposition to power; wherefore he incurred a double share of pontifical anger and indignation. Nevertheless permission was granted for removing the most intractable nuns to Saint Clement's Convent at Prato as the only mode of restoring order and preventing more serious crime: they were received in triumph by this sisterhood, which was of a congenial temperament and more depraved even than themselves; for there lasciviousness and materialism were taught by the Dominican confessors with more diabolical methods and more terrible success than at Pistoia, two nuns of high rank being distinguished above the rest by their extreme mental corruption and depravity.

The sisters Irene and Clodesinda had long become victims to priestly villany, first in the utter destruction of every religious sentiment as a necessary step towards vice, and then in the indulgence of unbounded sensuality: they denied the soul's immortality, believed that carnal enjoyments were the real objects of existence and most pleasing to Heaven: they maintained that human and divine nature were identical, the former being a portion of the latter, and thence argued that what pleased a part must be pleasing to the whole; with many other abominable eccentric and contradictory tenets, all supporting a

vicious indulgence of human passions; which indeed was what alone gave strength or efficacy to the atrociousness of their confessor's reasoning. Thus charged with noxious principles they acted on the younger and more innocent nuns, and gradually seduced them into a course of life as unnecessary to relate as disgusting and indecent to peruse; suffice it that Comus and his crew revelled with more than bachanalian liberty through these cloistered brothels.

Ricci who succeeded Ippolito in 1780 resolved to look sharply at all that was passing and establish such a case that any refusal of his demands would be impossible. Irene and Clodesinda were removed to the Conservatory of Saint Boniface at Florence where they were instantly attacked by well-meant but very dull theological lectures and metaphysical arguments, in which they were not always overcome; but they generally repelled them with indecent ridicule and impatience of any advice. Penance and hard labour were also inflicted with equal indiscretion inutility and injustice, for they should have been considered simply as what they were, the mere victims of wicked priests who were themselves permitted to escape with impunity. A second application about the convents was refused at Rome, the two nuns were ordered to be instantly placed in the Inquisition, and a severe reprimand was given to Bishop Ricci himself. The patience of Leopold could bear no more; he returned an angry answer, vindicated Ricci, refused to give up the culprits, and finally threatened to show Pius that he was well able by his own power alone to stop so scandalous a disorder should the court of Rome persist in its present course. This vigour produced its effect; sufficient authority was immediately conferred on every Tuscan bishop, especially on Ricci, to act as had been requested, and the two unfortunate nuns were left entirely to royal discretion. This increasing bitterness between Pius VI. and the house of Austria was the effect of, as well as the greatest obstacle to Belgian Milanese and

Tuscan reforms, all then in simultaneous action, and all of the same searching renovating character; namely the reduction of religious institutions to first principles and original objects. This coupled with the law of mortmain stung that pontiff to the quick, besides throwing the whole Vatican into such a state of embarrassment that Pius scarcely knew which was most dangerous, Leopold as a neighbour or Joseph at a distance: the first acted more as a religious sectarian; the last, perhaps on a wider philosophical basis but too rapidly for permanent success, and probably went further than either Leopold or Ricci would have been disposed to accompany him; for the latter though imbued with Jansenism was a conscientious Catholic, and the prince either from conviction or policy supported similar opinions. Pius VI. dreaded Jansenists even more than philosophers, who yet were further removed from the church: it was only a step from pure Popery to Jansenism, and easily taken; but a long stride to Philosophy, through the whole expanse of reason: the former was confined to a few men of austere life and rigid principles, sincere and zealous in their faith, venerating the Holy See but enemies to the vice and abuses of Rome; men also of learning, talent, and exemplary piety: the latter comprehended individiduals of every sort, all those in short who found it either convenient or fashionable to wear the garb of philosophy.

The sect of Jansenists was founded by Cornelius Jansen Bishop of Ypres in Flanders and they were the very reverse of the Jesuits; they belonged to no particular order, avoided public and worldly affairs, and courted retirement: according to their tenets grace was sufficient without works; good works alone were nothing without grace, and as this could not be acquired by any effort of virtue, it followed that the man of good works and irreproachable life might be damned, while the knave had an equal chance of salvation! It may be presumed that the Deity had credit for making a proper distinction of persons on whom to

bestow his grace, and that good works would probably lead to this distinction; otherwise such perversion of common sense; such caprice and injustice so gratuitously attributed to the Creator; so wide a channel opened out for crime; and such distortion of rationality; can scarcely be conceived of men whose exemplary life and abilities proved that their philosophy at least, if not their faith, dictated the fitness and wisdom of practical virtue! This doctrine of grace formed the principal subject of dispute between Jesuit and Jansenist; *that*, all courtly hollowness and vice; *this*, all rigour and austerity; the very aristocracy and democracy of religion! Their disputes were as tedious and incomprehensible to the world as they probably were in reality to themselves; for when the object is not truth, but victory, every molehill of vantage is occupied on both sides while the original position is lost sight of and abandoned. The Jansenists disputed all temporal and many spiritual pretensions of popes, they designated them as corruptions and usurpations of civil and episcopal power, and taunted pontiffs with having reduced Christ's Church from its primitive democracy to an absolute monarchy. No superior pontifical authority was admitted by them, only a simple preëminence of rank for the regulation of church discipline, and they in fact differed but little from some Protestants, save in the mysteries of faith and the number of sacraments. The Jansenists were favoured by all who advocated royal prerogative and the supremacy of civil government; but they were in general strangers to courts where the polish of jesuitical cunning left no hold for their rough unceremoneous morality: the philosophers meanwhile amused themselves with their disputes and ridiculed the extravagance of both without sharing the opinions of either.

These discussions agitated a great part of Europe and disturbed the Vatican so much that Pius VI. resolved on a visit to Vienna in the hopes of effecting some satisfactory arrangement of ecclesiastical reforms: by so unusual a step he expected to surprise the vigilance or interest the kindness and courtesy

of Joseph, but he found no caprice or weakness in that prince, the pontiff was everywhere treated with due honour, reverence, adoration; multitudes bowed and were blessed but the monarch was unmoved. Pius returned to Rome humbled, mortified, and disappointed; not pleased with himself, and blamed by others for subjecting the pontifical dignity to such a repulse. Reform held on its course; the Pope murmured, and complained of the emperor, and Joseph sarcastically replied that he felt sure of being right because "*a divine voice which he heard within, inspired and dictated his edicts.*"

It has been already said that Ippolito was in 1780 succeeded in the bishopric of Prato and Pistoia by Scipione Ricci: this was the prelate whom Leopold most relied upon for the execution of ecclesiastical reforms, and his confidence was answered by the greatest sincerity ability and zeal: Alessandri of Cortona, Sciarelli of Colle, and Pannilini Bishop of Chiusi and Pienza, were also sincere and zealous coadjutors, but Scipione Ricci was the life and soul of church reformation. Early intended for the altar and educated by Jesuits he saw too much of their principles to please his natural integrity; disgust soon followed and Ricci was finally converted to Jansenism by the canon Bottari of Rome in whose house he resided during a protracted illness. Ordained in 1766 and made vicar-general to the Archbishop of Florence in 1775, he became a staunch uncompromising reformer of church discipline from the pope downwards. Gentle in manners, severe in morals, zealous in duty; simple, compassionate and forgiving, and free from any ambition but the glory of doing good, no one more honest could have been charged with the execution of Leopold's measures, though perhaps a subtle cunning self-interested priest would have had better fortune.

The Archbishop Incontri whose vicar Ricci was, at first coöperated with Leopold, for he hated the Jesuits; but being of an easy forgiving temper, exposed to their wiles and surrounded

by their well-wishers he soon came to pity their misfortunes: this finally occasioned a reconciliation which not only relaxed his firmness in the good cause but produced so much indulgence towards the reduced Order that Leopold was compelled to meet it by making Ganganelli's bull the law of Tuscany and thus oppose the civil power to this new evil; the Grand Duke's project of creating a clerical academy was intrusted entirely to Ricci and planned out though never executed; but the introduction of a better catechism than had been previously used was his own affair and drew down on him the hatred of all that had habitually made a profit of the old one. "Rome looked with an evil eye," says Ricci, "on the efforts of Leopold to favour useful studies and destroy the reign of ignorance which she had established and consolidated on her false pretensions; therefore left no means untried to embarrass his government;" and no instruments were so ready and well suited to the task as the ex-Jesuits and Dominican friars of his own diocese. The former were educated men, the latter exclusively the confessors and directors of female convents, and although the Jesuits no longer existed as a body, both personally and spiritually they were still alive united, and active in promoting everything favourable to their own interests or future objects; and to oppose the contrary. Both were vindictively adverse to Ricci; the first attempted to cheat him into a public approval of their own favourite worship and substitute for Jesuitism; "*The Sacred Heart of Jesus;*" the last excited his whole diocese to revolt. Incontri was dead, and the new Archbishop Martini who shared in Ricci's religious opinions, at first supported him; but the latter having most conscientiously refused to confirm a confessor whom the archbishop had appointed in his name, gave so much offence that Martini instantly united with Leopold's minister Seratti and became a decided opponent of that prelate. Seratti joined the administration in 1785 and is described by Ricci as a weak and bad minister in whom all the malcontents expected

to find the most secure rampart against reform: Leopold, as is said, knew him thoroughly and mortified him often, yet most indiscreetly retained him; so that Seratti, from pique jealousy petty rivalries and fears, secretly abetted every Roman intrigue and betrayed prince and his country. Martini did the same, but from pique and rivalry alone; and the whole web, spun out so secretly by Leopold's ministry to entangle his measures, shewed strong reason to believe that all were in the pay of Rome *.

The Grand Duke's Fifty-seven Points of Discipline were as much admired as his moderation was praised for submitting to public judgment what he could at once have settled by royal authority, and the success of the Pistoian synod encouraged his hopes of inducing a uniformity of opinion throughout the episcopacy, notwithstanding the discordant answers already given to his questions.

Pius VI., who was better acquainted than Leopold with the real sentiments of Tuscan prelates, sedulously encouraged the meeting of an assembly which the Grand Duke ought in prudence to have avoided, especially as the clearer-sighted and less sanguine Ricci foresaw no favourable result and gave warning of the consequences: indeed a council directed by his most bitter opponents and promoted by a pontiff who had already threatened the synod of Pistoia with a rigorous scrutiny was not likely to be either compliant or satisfactory. It does not appear why the sovereign persevered in so hazardous a step: the sanction of such an assembly would no doubt have given vast stability and force to his reforms, but its opposition would nearly defeat them, and he possessed innate power to carry everything without. Nevertheless a circular of March 1787 convoked this assembly, stated the forms to be observed, the matters to be discussed, and thus drew the attention of all Tuscany to the consequence; for the act was in itself unusual A.D. 1787.

* De Potter, Mem. de Scip. Ricci.

and the public mind had been most keenly set on religious disputations since the Jesuits' fall.

Two great theological parties then lived in Tuscany; one the uncompromising supporter of ancient forms, and utterly opposed to change; the other endeavouring to restore ecclesiastical discipline to its primitive state: the slightest deviation from long-established errors was to the former sacrilege; the purification of religion from such errors was to the latter virtue; the first supported Jesuitism; the last opposed it; and there was cause for thinking that under its new symbol, "*The Sacred Heart of Jesus*," this suppressed Order was endeavouring to recollect its scattered members and again spread poison through the globe. The Dominicans and other regular priests, from causes already mentioned were closely united with the Jesuits because the common comfort of the nest was disturbed; so that in so general an excitement every point of ecclesiastical reform, which in ordinary times would have passed in silence or perhaps with praise, became now the subject of warm discussion; and Ricci as the arch-reformer bore the brunt of all. To deep learning and sincere piety this prelate joined a perfect acquaintance with national rights and episcopalian duties in connexion with papal supremacy, and as the chief of his party excited general interest. Hundreds of reports were daily current about him; he was alternately, and often simultaneously, a saint and a heretic; now disgraced at court, and now his life endangered; he had, they said, dared to alter the most sacred liturgical prayers, had fled the country, and so forth; nay so great was this excitement that some theologists refuted all the acts of his synod even before they were known, and having thus decided, to their own especial satisfaction, denounced them for instant and most rigorous scrutiny!

Such was the state of public feeling when the archiepiscopal and episcopal convocation of Tuscany met on the twenty-third of April 1787 in that chamber of the Pitti palace called

the "*Novissima:*" three archbishops and fourteen bishops, each attended by three or more legal assistants, assembled under the presidency of Senator Antonio Serristori as royal commissioner, with some of the first theologians of the day. By Leopold's command none of the regular orders were admitted to deliberate, but their poison had already done its work and destroyed all harmony ere the convocation began: their secret influence, coupled with Leopold's delay about publishing the synodical acts of Pistoia, had induced many prelates to imagine that the real object of their convocation was the condemnation of Bishop Ricci and his clergy, in order to sanction a new resolve, now most cunningly attributed to the sovereign, of revoking every religious reform already effected and placing ecclesiastical matters entirely in episcopal hands uncontrolled by royal authority. Such reports were most artfully disseminated, and like every rumour in excited times, most eagerly swallowed by the people; thence arose a spirit of violent opposition to the sovereign's real objects, raised principally by Martini, and with the ultimate effect of throwing the bishops of Pistoia, Colle, Chiusi and Cortona into a small minority *.

This assembly was formally opened by the royal commissioner, and immediately resolved against the sovereign's wish and in despite of Ricci's party to decide all questions by a majority instead of a unanimity of votes; this in fact settled every dispute because five-sixths of the convocation were known to be adverse to the Grand Duke's real intentions. Discussions on the *Ecclesiastical Points* occupied the second and many following sessions, substantially comprising every reform that Leopod had already made along with several that he afterwards accomplished. As the object was to procure this assembly's sanction to all his measures, its members should have been previously secured, or at least the means of paralysing

* "Proemio alla Storia dell' Assemblea degli Arcivescovi di Toscana. Da Rº. Tanzini."

factious opposition by a pre-arrangement of forms, which as its author he had a right to prescribe, should have been established; or else the convocation ought to have been delayed until every reform were completed, until the people were accustomed to the change, and until agitation had subsided into calm and rational reflection. Many of the Ecclesiastical Points were nevertheless confirmed and not a little good was accomplished, but a strong and bitter spirit of opposition manifested itself, a spirit as much devoted to the court of Rome as it was hostile to that of Florence.

After the concluding session the whole convocation was received by Leopold on the fifth of June 1787. Placing himself between the auditor Vincenzio Martini, secretary of crown rights, who had officially convoked it, and the senator Antonio Serristori the royal commissioner who had been its president, he rebuked the whole assembly with stern expressions; and disgust at the malignity with which his intentions had been misconstrued; for their manner of rejecting his propositions; for the little harmony which had been maintained among themselves, and for the prejudice and party spirit by which they not only had been guided as a body but had also made use of to incite the people against their government; the effects of which were manifested in riots and agitation throughout the whole district of Prato. So saying he bluntly dismissed them to their several dioceses *.

The riots alluded to arose from universal superstition and ignorance, worked upon by cunning self-interested friars and all the Roman episcopalian faction of Tuscany: the moment intelligence reached Pistoia that a majority of prelates were adverse to Ricci's reforms a general alarm was industriously excited and a petition addressed to government by some of those hollow needy characters that bend to every breeze, praying for an abolition of all recent religious changes both

* Storia dell' Assemblea, &c^a, p. 358.

at Pistoia and Prato, and the restoration of ecclesiastical affairs to their ancient form. A similar memorial was presented to the archbishop, probably at his own and the minister Martini's secret instigation; but the sovereign's firmness baffled for a while the authors of these abominable attempts, who nevertheless succeeded in exciting the multitude and preparing their mind for other more serious operations at that moment in progress, all calculated to disgust Leopold with his long and benevolent exertions, and to ruin ecclesiastical reform.

The subject of images relics and indulgences, all condemned by Ricci, was about this period under discussion in the assembly, and the Bishop of Pistoia's opinions thereon were artfully spread abroad as condemned points in the secret sittings: the Bishop of Volterra, who was secretary to the pope's nuncio, entered Prato under false pretences, but really to organize a riot by reporting that Ricci was coming to demolish the holy shrine where the Virgin Mary's "*Cintola*" or sacred girdle was preserved with the most pious credulity. During all this time the recusant majority in convocation, clamorously asserted the necessity of reëstablishing in its ancient form everything connected with religion, even as a simple matter of policy; it being as they averred, infinitely less dangerous for any people to remain in a state of profound superstition and ignorance than to have their conscience alarmed by new and useful knowledge; but when they found that Leopold was resolved to prosecute and maintain all his reforms both projected and accomplished, and had issued orders to that effect, the riots were decided on. In the evening of the eighteenth of May 1787 they began, by a crowd of people armed with axes and bludgeons assembling round the cathedral to protect the falsely threatened shrine of "*La Cintola.*" The inhabitants of Prato imagined that they really possessed this ancient relic: it was picked up as they conscientiously asserted, by Saint Thomas, when the Virgin dropped it in the act of her assumption, and after many centuries

a Pratese merchant or crusader received it as the marriage portion of a young Syrian girl whom he espoused in Palestine and afterwards brought home to his native country *.

Next day the riot increased, the tocsin sounded, the peasantry hurried in, the bishop's coat-of-arms was torn down and publicly burned along with his books, and other literary plunder of the episcopal palace and vestry; the cathedral remained all night most brilliantly illuminated, and the holy girdle was exhibited to a wild ecstatic and bigoted congregation. After a thousand mad freaks of folly and extravagance and the restoration of every displaced image, all the new baptismal founts erected by Ricci's order in each parish were demolished, the houses of obnoxious public functionaries plundered, the students scared from their college, the superiors menaced with death, and the "Administrator of Church Patrimony" equally endangered. Besides all this the curates were driven naked from their beds and compelled thus to perambulate the streets of Prato replacing as they went every veil and curtain which their bishop had removed from picture and image: finally, after plundering the houses of all his priestly adherents and even the churches where they officiated, these fanatics suddenly illuminated every place of public worship and began to sing and pray. Disorder would soon have spread had not a strong detachment of soldiers immediately occupied the city and by closing the gates cut off every communication: many rioters were arrested, amongst them the Archbishop of Florence's brother and the Gonfalonier of Prato: terror then succeeded to madness; the clergy and municipality implored Leopold's clemency, and their deputation was not harshly received; he well knew that the seat of disease was Florence, that Prato had only been premature in its outbreak, and thus spoiled a sedition designed for a much wider circumference: he was quite aware of Pope Pius VI. being the original mover of all this

* Storia dell' Assemblea, p. 237.

disorder; that he had certainly counted on a general insurrection in Tuscany, and therefore postponed the ratification of a concordat with Naples in order to raise his pretensions when the grand duchy were once in a flame: this at least was Leopold's belief at the time and nothing afterwards transpired to alter it. Ricci's earnest entreaties alone induced him to spare the immediate offenders, and that excellent man at his own private cost supported the families of those very people who had so much injured him, even until the latter were released from prison and enabled to resume their employments. Not content with this he instantly applied himself to calm the public mind and prevent if possible any future outbreak; for this object and with all his peculiarly unselfish benevolence, he wanted at once to resign his bishopric as the thing most conducive to public tranquillity! Leopold however would not listen for a moment to such proposals, and after severely reprimanding those prelates who participated in the riots; including the nuncio's supporters; he suppressed every convent whose superior had been implicated in the same crime.

All this occurred during, and was a consequence of the episcopal sessions; but Leopold, when convinced of the recusant bishops' factious determination to counteract his measures, dissolved the assembly as already related, yet with full notice that as they refused to second his really devout and benevolent wishes he would do that by his sovereign power which he had previously desired should be accomplished by the episcopal convocation's free will and authority.

Previous to retiring the bishops wished to have certain memorandums inculpating Ricci recorded as acts of the convocation, without waiting for his answers; but Leopold gave the latter full time to refute them and then commanded the Abate Reginaldo Tanzini to publish all the proceedings in a regular historical narrative, notwithstanding Ricci's most earnest and generous efforts to preserve the reputation of those prelates whom his answers had exposed.

Thus ended this celebrated convocation by leaving ecclesiastical affairs not in a worse but certainly in a more agitated and angry condition than before: Leopold was justly blamed for intrusting to the hostile passions of an excited episcopacy that which he could have fully accomplished by his own legitimate power and of which a great portion had been already completed. But the faculty of maintaining ancient abuses by a union of prejudice, folly, superstition, ignorance, and self-interest, supported by papal authority, was far too strong for mere honesty, public utility and truth; and in no instance could despotic power have been more usefully exerted than in purging the Tuscan church from inherent corruption papal crime and Medician turpitude.

Nevertheless, when all circumstances are fairly considered it may be acknowledged that this assembly made some important steps towards useful ecclesiastical reform in despite of those inveterate prejudices that impeded every advance to improvement. "Twenty years before," says Tanzini, "it would have been deemed sacrilegious or chimerical to foretel that within so brief a period bishops would be controlling the studies of the regular clergy, appointing them to assist parish priests, watching their doctrine, visiting their convents, regulating their church offices, guiding them, correcting them, punishing them: to have asserted that such an assembly would have limited the priesthood to what was absolutely necessary for church service; would remove them from secular occupations; insist on their being attached to their own cure alone and all its necessary duties; establish the uniformity of ecclesiastical studies according to Saint Augustine; command the revision and correction of the missal and breviary; forbid useless orisons; take measures for bringing the vulgar mind to a clear knowledge of the spirit and intention of prayer; regulate preferments to churches and benefices; render the parochial ministry both diligent and useful; abolish fees on administering the sacrament and other functions; denounce the collection of alms for masses as an abuse;

reform the mode of preaching, and useless panegyrics on saints; condemn luxury and splendour in churches, superstition amongst the people, idleness, avarice and ignorance in the clergy; and finally, without regarding the prohibitions of Rome, adopt many excellent works for ecclesiastical studies" *.

Such acts in any convocation at that period, although not equal to the sovereign's intentions, showed a considerable advance towards intellectual emancipation, and those of the Pistoian synod was a greater still; but both prove what changes Leopold and Ricci had already worked in the mind of the whole priesthood; for nearly all the abovenamed improvements are contained in the fifty-seven Ecclesiastical Points and most of them had already been executed by the absolute power of the crown. Although piqued and mortified Leopold lost no time in lamentations, but instantly commanded the Bishop of Pistoia to draw up a general code of ecclesiastical discipline for Tuscany: this was forthwith commenced and completed, but never published or enforced in consequence of the revolutionary agitation of Europe which commenced soon after. It is said to have embraced the principal Ecclesiastical Points, and drawing a particular distinction on the subject of matrimony between the civil contract and the priestly benediction as decided by the Pistoian synod, the former alone constituting a legal marriage †. This example of a violent and successful opposition to the crown, encouraged discontent amongst the Pistoian malcontents, who held their own bishop as the instigator of every unpopular reform; and as he had now become the single butt of malevolence mere sycophants began to withdraw lest some stray shaft should glance upon themselves. The Pistoian regular clergy again petitioned Archbishop Martini, the Secretary, and the President of police, to reëstablish all the ancient

* Storia dell' Assemblea, &c^a.

† "Tanzini, Storia dell' Assemblea, &c^a."—"Decrets et Actes, &c^a, du Synod de Pistoia, p. 474."—"De Potter, Memoires de Ricci, vol. iv., p. 256."

religious forms, and even demanded government aid for the abolition of them in that diocese. The insolence of this demand was only equalled by the concealed and open malignity with which Ricci was assailed, and Leopold harassed by the persevering attempts to shake his confidence in that prelate, but all in vain: the plots were successively detected and exposed, and the confession of a repentant priest proved the existence of a conspiracy not only seeking the Bishop of Pistoia's ruin, but of its having been abetted by Leopold's own ministers, who intended to excite disturbances in that diocese connected with a general rising in Tuscany, and that again with one in Flanders against the Emperor Joseph; all on the same subject of ecclesiastical reform. Pius the Fourth's obstinate refusal to consecrate forty bishops nominated by the King of Naples; the public agitation in Lombardy, which was known to proceed from without; besides continual vexations directed against the reforming princes of Germany; were all ramifications of the same plot from its original root in the Vatican *.

The nuncio's court was a common magazine whence all papal emissaries issued with religion in their mouth but not peace in their heart; and only intent on inflaming the public mind, to second their master's ambition: several governments had wisely abolished this foreign tribunal; Leopold only waited for a pretext to do so; the late occurrences furnished this, and accordingly on the twentieth of September 1788 he annulled that court and its whole authority†. His ostensible reasons for this act were the many changes in its jurisdiction down to that time together with alterations in ecclesiastical affairs generally, but especially the reform of clerical courts, which had rendered it useless; and finally its privileges and prerogatives, all adverse to the new system of Tuscan government. It is a pity that he did not boldly add the main

A.D. 1788.

* De Potter, Memoires de Ricci, vol. ii., cap. lii., liii.
† De Potter, Memoires de Ricci.

reason; however the tribunal was thus declared to be in a state of dissolution and no longer existing after the first of October 1788; its authority over both secular and regular clergy was annulled; all spiritual power, all dispensations, all subordination of the episcopacy were consequently at an end, and its remaining duties transferred to the ordinary tribunals. The nuncio sank at once to the condition of a simple ambassador for temporal affairs together with some few spiritual matters which the pope as head of the church was compelled to arrange in Tuscany.

This terminated the papal rule in criminal and civil matters, and it was soon followed by an attack on non-resident clergymen: sinecures were in fact not relished by the plain and practical taste of Leopold; he considered that ecclesiastical benefices were intended to maintain a resident clergyman for public convenience, and that nothing but gross abuse allowed of their being held by foreigners and native absentees residing abroad without any obligation to perform church service or other pastoral duties; wherefore the alternative was offered of immediate residence or resignation of the living. Tuscan subjects were then forbidden to assume the clerical habit without a royal *Exequator* preceded by strict forms, under a heavy penalty. A regulation, already in force throughout Lunigiana was now spread over Tuscany, on the principle that all governments had a right to be acquainted with the character and abilities of those destined to the formation of public morals; and was moreover bound to watch that no family wishes or ambition, but only natural inclination and a spontaneous choice of this profession, were the real stimulants to so grave and responsible a duty. Rules of a more stringent character now became necessary to break the dependence of regular clergymen on foreign generals of their order residing abroad; and as it was previously requisite to check the tyranny of superiors, so did it now become indispensable to reduce the monks back to that

discipline from which they had already so widely swerved, and to a more strict subordination to their local superior. They had in fact become disorderly, extravagant, puffed up with false maxims, unlawful pretensions, and imagined immunities; with an impatience of episcopal control, and even an affected independence of government. To stop all this and reduce these priests to that use for which alone they were tolerated, foreign connection was entirely suppressed by an edict of October 1788, and bishops substituted for foreign generals, with all their power and privileges; civil law-courts were thrown open to every complaint and the diocesan became their only spiritual judge. Notwithstanding Leopold's anxiety to lead all Tuscany into habits of self-government; which however had received a check from his recent expedience and the nature of a popular assembly; there were cases in which he even diminished the power of provincial communities; amongst these was the nomination of curates by popular vote, to parishes within their jurisdiction. He justly appreciated the clerical character in the abstract, and could conceive none more respectable than that of a zealous clergyman striving by precept and example to teach practical virtue and morality; to enlighten intellect, soothe misfortune and alleviate poverty; one who endeavours to spread peace and good will among his flock, and shuns too close an interference with mental freedom if not made the instrument of immorality: one whose bent would be to repress any desire of reducing all others to the standard of his own tenets, who with a sincere wish to follow the Great Shepherd, to feel his gentleness and imitate his example, would not forget that his religion was intended for all, suited to all, and sufficient for all; who, confident in the truth of its great moral principles, felt that the less it were perplexed by mysteries, never intended, nor applicable, nor necessary for all, the more generally would it be understood and appreciated, and consequently the sooner would it effect its most gracious and benevolent purpose

Entertaining such opinions of the sacred office, Leopold saw with indignation the public scandal and disorder which arose from the mode of nomination to livings in the patronage of communities, and the still more disgraceful proceedings connected with those elections which were vested in the parishioners themselves. *Nothing he thought could be more degrading than the spectacle of a reverend clergyman humbly soliciting favour from those whom it subsequently became his duty to admonish or rebuke, and in rivalry against another with whom he should be in harmony; where the successful candidate would carry along with him to pulpit and altar the ill-will of all his rival's supporters, where intrigue and faction were inevitable, and mutual suspicion and accusations of simony were sure to attend every election.* All these considerations coupled with practical results, induced the prince; by one of those despotic acts which existing evil, good motives, and future consequences can alone justify; to deprive both parishioners and communities of this important privilege, but while placing it entirely in the hands of government still pay due attention to public wishes and recommendations. This direct interference with popular rights was so adverse to the Grand Duke's general notions of civil liberty and so opposed to the spirit of his reign, that the disorder which occasioned it may be supposed of the worst description; and as an absolute monarch and the national representative, he had theoretically a right so to act for general good, as much as he had the right of reducing every other public department to perfection by his own personal authority. Perhaps too he might about this time have felt the impropriety of bestowing immediate political liberty on Tuscany: the universal mental debasement so recently exhibited about religion together with treachery amongst his own confidential ministers, could have given but slender hopes of the people being then or for a long time really fit for a rational enjoyment of political freedom and complete self-government.

With the exception of one decree ordering the sacred images to be uncovered at Prato and other places, issued towards the end of 1789, Leopold made no further progress in church reform; on the contrary he rather lost ground previous to his departure in 1790. The abolition of the nuncio's court along with the publication of the acts of both synod and convocation alarmed ecclesiastical Rome; especially as these books spread rapidly over Europe in French and Spanish translations under episcopal auspices in both kingdoms; medals were struck in honour of Leopold and Ricci with every demonstration of public favour throughout the Catholic world; nay even in Rome itself the acts of Pistoia made friends of many former enemies. Pius VI. being thus awed by Leopold, Ricci became the immediate object of papal malignity: a congregation was called together to condemn the acts of his synod, but no fault could be found by it, or even by a second and far more rigid assembly appointed expressly to condemn them: the bishop himself was then summoned to the Vatican but Leopold forbad him to leave Tuscany; whereupon a third congregation was assembled, which made no report, found but little fault, and was continued only to keep the destined victim in constant anxiety. Ferdinand III. on his accession demanded an immediate settlement, but the congregation was never dissolved until Leopold's death relieved Pius from a formidable opponent while it deprived Ricci of his only efficient protector; then the Pistoian synod was anathematized by a papal bull said to be "against all canon law and every form of justice"*.

A.D. 1789.

The departure of Leopold was daily expected by Ricci's enemies as a signal of open hostility against him and ecclesiastical reform; nay they audaciously advised even the Grand Duke himself to abandon the labours of his whole reign and plunge everything back into its former corruption! As yet Peter Leopold of Austria was himself, and still firm in resolution; yet discouraged by ill-success, he was more-

A.D. 1790.

* De Potter, Mem. de Ricci, tom. ii., cap. lv.

oversoured by disappointment, wearied out by deceit and treachery and his own efforts to master them: he was harassed too by incessant suggestions from pseudo-reformers, who asserted that French troubles were caused by destroying ancient forms and prejudices, and also weakened by a life of great mental and bodily exertion, coupled with a lavish waste of physical energy in less commendable ways; Leopold therefore ascended the imperial throne rather predisposed perhaps to believe that reformation in religion might have prepared the way for national revolt and the general downfall of monarchies. Ricci's power fled with his prince and friend, and he soon found himself compelled by circumstances to tolerate the restoration of all he had demolished, and finally cede to the turbulence of a fanatic race hounded on by the principal authorities of his diocese.

The regency, most of whose members had secretly opposed reform, became more palpably hostile; renewed disorders with fresh outrages at Pistoia and total destruction of what had been already done, gave a melancholy lesson on the difficulty of doing good. To encourage this spirit the government maliciously ordered a rigorous execution of Leopold's law against funeral pomp, but only in Ricci's diocese and with more than legal severity: instant tumult would have overwhelmed the first burial had not a terrified priesthood ceded to popular violence by promptly restoring the cross and candle for which arose the clamour. The bishop vainly remonstrated, and the artful punishment of those priests who had thus yielded completed popular indignation. But while reforms were so cunningly rendered detestable on one hand, the mode of getting rid of them was made apparent on the other by what was called the happy result of Belgian revolt, as exemplified in Leopold's hasty and perhaps imprudent abrogation of all the late emperor's ecclesiastical measures. This hint told, and insurrection was soon organized in Tuscany: Bishop Ricci had no supporter but the distant emperor: his foes reigned triumphant: already papal

condemnation, the Inquisition and perpetual imprisonment were loudly threatened; and to hasten the general result a certain Fabbroni; chief magistrate of Pistoia and one of those reptiles so necessary to bad governments; ordered the demolition of a favourite altar which had been lately replaced by the populace. This act was instantly attributed to Ricci and his life menaced in consequence; emissaries were despatched all over Tuscany by the malcontents, and letters of congratulation written from Pistoia with assurances of following the Belgian example, were printed and published at Brussels.

Harassed by eternal opposition and deceit in Tuscany, and wearied and weakened as Leopold was, the additional weight of a disturbed empire completely oppressed him; for in Belgium also, priestcraft had soaked like a slow poison into humanity and destroyed independent reason. Not able to repair in person to Florence; aware of the regency's real character; disgusted with the people's ingratitude; knowing their excited state, their stolid ignorance, degrading superstition, and unconquerable prejudice; with the universal prostration of their intellect before fraud and bigotry; Leopold became uneasy about placing his young son on a throne thus troubled, and weakly consented to abolish many of his church reforms, at the same time ceasing to defend the acts of Ricci and the Pistoian synod. But such unworthy submission did not satisfy hate; nothing short of personal vengeance on Ricci could accomplish this, wherefore every spring was set in motion to enforce his resignation: the whole diocese was undermined, plots and explosions were rife on every side; the persecution was cruel, disgraceful, and complete; for knavery was in full action on ignorance; and superstition in high excitement. The old calumny of the "*Cintola*" was revived: Ricci was advised not to risk his life or disturb public tranquillity by going to Prato; he issued a conciliatory letter of explanation to the whole diocese; it made an ephemeral impression but was soon trampled under foot, and the "*Cintola*" still fluttered in the religious storm.

The Pistoians were meanwhile persuaded that their bishop was about to whitewash another graven image of exceeding sanctity called the "*Madonna dell' Umiltà;*" who accordingly shed tears, winked, perspired, and played such "fantastic tricks before high Heaven" as turned fanaticism to frenzy, and the sedition so long preparing burst forth with all the uncontrollable fury of religious delirium. Its first impulse was against Fabbroni, who however soon convinced the insurgents of his adherence, and by continual messages to Ricci with a general declaration of inability to protect his life, that prelate was reluctantly persuaded to retire to Florence.

This incipient triumph was followed by the crash of everything physical and material in the shape of reform, for with this princes and bishops were to be ever after disgusted, except under the auspices of Rome: the synod of Pistoia as the great sanctioner and confirmer of Leopoldine innovations was consequently annulled with all its acts by what was called "*The will of the people,*" and every vile fraud that could possibly promote the selfishness of priestcraft was reëstablished in all its primitive absurdity. Altars were restored, images re-mounted and re-veiled, long abolished ceremonies renewed, useless prayers again offered, saintly eulogies once more drawled from the pulpits, pomp and splendour in funerals revived, and processions in antique pageantry swept daily through the streets of Pistoia! On the other hand, really moral and religious works were publicly burned, ecclesiastical studies interrupted, religious lay companies reëstablished, parochial instruction, lectures, and catechisms suspended; and all this from personal hatred to their author! Ricci's few remaining friends were stigmatized as heretics, "*Scipionists,*" hunted, persecuted, and insulted like their pastor; the worship of the "*Sacred Heart*" was resumed, and masses were again rife in the priestly market: the parochial fonts were broken, public cemeteries closed, church vaults re-opened to the dead, and pulpits and con-

fessionals cunningly pampered all the vilest superstitions of the living. Ricci bore this with silent resolution; but not so calmly that which he called the "perversion of orthodox doctrine;" and therefore urged the diocesan secular clergy, almost all of whom had remained faithful, never to give way, but sustain the Catholic faith to the last: they obeyed; and even a few who, from personal fear, had recanted during the first violence of popular fury, soon reassumed a manly and dignified conduct and publicly returned to their original opinions.

But the diocese was not yet tranquil; malcontents were still encouraged by magistrates under the regency's hidden encouragement: the pretence of government was, that as all these disorders sprang from ecclesiastical reforms they would be best remedied by allowing the people to get rid of them in their own way, and when again deep in old superstition government would be better able to manage them! In other words it encouraged the people to become brutes in order to yoke them more easily; a proceeding not yet quite out of fashion. In this spirit the regency refused Bishop Ricci's request for permission to publish a circular addressed to his clergy exhorting them to be gentle prudent and tolerant; to judge calmly themselves of what might be necessary; to cede during the momentary frenzy, but to hold firm to their doctrine and moral principles. The regency's dangerous connivance soon spread insurrection; Leghorn became violently agitated and finished by revolt: on the ninth of June it spread to Florence, where the populace seeing with what impunity Pistoia and Prato had been allowed to terminate their riots, expected the same indulgence for themselves. The high price of food, even in the midst of an abundant harvest, was the pretence of these rioters; for in despite of twenty-five years' experience they obstinately imputed it to free trade in corn with the general liberty of commerce, and demanded an immediate abolition of both *. For several days they had

* De Potter, Mem. de Ricci, tom. ii., cap. lviii., lix.

been assembling in crowds and shouting "*Evviva l' Abondanza e la Grascia*" but it was not until the ninth of June that the great explosion took place: they then attacked the houses of several gentlemen, plundered the "*Ghetto*" or Jews' quarter, put their own price on provisions, and committed almost every sort of outrage but bloodshed. All this finally ceased, partly through exhaustion and plunder, and partly by the exertions of government and the Archbishop of Florence who now began to feel their conduct recoil upon themselves. The ringleaders were four or five of the lowest classes; their chief a baker called Antonio Mazzanti, a man not deficient in talent and with no serious intention to revolt: he said that his object was to seize the fort of Belvedere and thus command the city; afterwards send a deputation of nobles to insist on the abolition of free trade from the emperor and thus, as he asserted, relieve hundreds of indigent families from distress; to have the lay religious companies reëstablished which would be the saving of many more; to have the holy images again veiled, and all the exterior forms of religion restored to their ancient usage: besides all this he intended to demand a partial change of the ministry according to his own dictation, and that both land and naval forces should be replaced on a respectable footing, with several other points all tending in his opinion to the credit of prince and people; amongst them that the Bishop of Pistoia should be sent immediately to Rome and undergo a rigorous examination touching his religious principles*.

Most of the rioters were however quite ignorant of these or any other political objects except a destruction of free trade and a restoration of the Grascia and Abundance: Jews were to be taxed for the payment of all expenses; and amongst Christians the principal victims were to be Francesco Gianni, who was believed the author of commercial liberty and several more reforms, for which many judged him worthy of death;

* "Relation of the Riots at Florence in 1790" transmitted to the emperor. MS. now in the possession of Marchese Gino Capponi of that city.

but besides him there were two Florentine gentlemen, the Signori dell' Ambra and Vernacci, great landholders, and therefore branded by popular ignorance with the epithet of "*Incettatori*" or corn-dealers, once synonymous at Florence with "*Monopolists*" or "*Starvers*," or as Cosimo I. calls them, "*Blood-suckers*" of the people.

It may be easily believed that Mazzanti's opinions were merely reflected from higher offenders of whom he and his companions were tools, and that the mass of insurgents broke out prematurely and ignorantly without the sanction or even knowledge of their leaders, who were all sworn to secrecy on pain of death*.

Scipione Ricci, after declining an offer of letters and pecuniary assistance from an English Catholic lady resident at Florence if he would only consent to quit Tuscany, retired to his villa of Rignana in the district of Chianti where he was shunned like a pestilence by Bishop Ranieri Mancini of Fiesole and all his priestly sycophants. It was there that Leopold, after some apparently energetic demonstrations, confidentially acquainted him that they were mere forms and would come to nothing as he had abdicated the throne of Tuscany in favour of his second son Ferdinand, and that all real interference on his part would consequently cease; but being on the point of accompanying the prince to Florence he had commanded that the Bishop of Pistoia should be previously reëstablished in his diocese. The regency artfully communicated these instructions to the Pistoians and immediately a fresh tumult arose: whereupon government simply ordered the bishop to join his flock; but this was mockery! Leopold repeated his commands and the ministers forwarded them to Ricci and the Pistoians, which only fed the flame and increased agitation. The emperor's arrival with Prince Ferdinand in April 1790 gave the malcontents an opportunity of petitioning for permanent deliverance from their bishop; but the freezing reception

A.D. 1791.

* Relazione, &c^a, MS.

of these petitioners so strongly contrasted with the cordial welcome given by the Emperor to Ricci himself, filled them with unusual alarm. In this audience he conversed with the latter about French and Austrian troubles, expressed his apprehensions for the royal family of France, and especially for his sister, but exhibited "so much mental inquietude and constant uneasiness" that the bishop no longer saw in him that healthy intellect or those fine qualities which had previously distinguished the Tuscan prince*. Leopold feared, and in a certain degree deserved the accusation of having abandoned Ricci, notwithstanding that the prelate's abdication was deemed necessary to general peace, but had he preserved his full vigour of mind and body the throne would probably never have been vacated until Pistoia were punished, its bishop replaced, the pope and clergy humbled, and all the ecclesiastical reforms begun as Grand Duke of Tuscany, confirmed by imperial authority. This should have been his course: but Leopold was fast breaking up: both moral and physical energies were yielding before the troubles misfortunes and ingratitude which pressed on his spirit and shortened his existence. A month after this interview he left Tuscany for ever, bidding adieu to a race whose welfare had been his constant and all-absorbing object for five-and-twenty years, but with greater success than gratitude. Leopold was removed too soon; he might sometimes perhaps have mistaken his means, for who is infallible, and he probably made a false estimate of national character: but his objects and motives were as sincere noble and honest as his benevolence was unbounded! His great ambition was to raise the people to a state of higher intellectual dignity, moral sentiment, physical comfort, and virtue; and, to annihilate superstition! In physical improvements he succeeded; but for the rest, the nation was not generally ready, and he failed.

* "Vita di Ricci dall' Abate X." cited by De Potter, tom. ii., pp. 278 to 301.

The Bishop of Pistoia and Prato soon after vacated his see and retired to the country, but not to repose; a pension was conferred upon him which he soon resigned to avoid a vexatious and very malicious litigation hatched by his enemies for that especial purpose. On Leopold's decease in 1792 his persecutions were recommenced: cited by Pius VI. to appear at Rome, imprisoned at Florence, ill-used, oppressed, and persecuted almost incessantly until his death, Ricci was the victim to his own resplendent virtue, and had that alone for his reward.

Thus abandoned by his own countrymen it remained for a foreign nation to respect him as he deserved, and to the generosity of France be it recorded, that while she held Tuscany he lived in honour and repose! Scipione Ricci died on the twenty-seventh of January 1810; he was interred by his own desire at Rignana, and his memory received that reverence after death which was so basely withheld from his living virtues by an ungrateful country!

MAP
of
VAL DI CHIANA
Between
The TIBER and ARNO
To Shew
THE COURSE OF THE CHIANA
Taken from the
MAP of the CAVALIERE
ALESSO. MANETTI
Florence
Torrinia Florace
Siena
Recersi
from Rome
Radicofani
Ponte a Centino
Strada postale
Acquapendente
LAGO
di
BOLSENA
Viterbo
Monte Fiascone
Orvieto
Paglia
Fiume
STATO
DELLA
CHIESA
Astrene Fiume
Abbadia
Chinsi
Pentoficia
Chiana
Città della Pieve
Terre Fiume
LAGO
TRASIMENE
Perugia
Cortona
Arezzo
Castiglion
Fiorentino
Montecchio
Strada postale
Strada del Casentino
Anghiari
Borgo
S. Sepolcro
Fiume
Terre
Città di Castello
GRAN
DUCATO
DI
TOSCANA
Figline
S. Donato
Incisa
Ponte a Sieve
S. Giovanni
Arno River
M.te Varchi
Pian
S. Vitteria
Marciano
Leppe
Tent a Rene
Levane
Portecine
Chiusi de Monaci
or Monk's Wood
Arno Fiume
Fiume

CHAPTER XI.

PHYSICAL IMPROVEMENTS IN THE MAREMMA AND VAL-DI-CHIANA,

BY

LEOPOLD I. AND II., AND FERDINAND III.

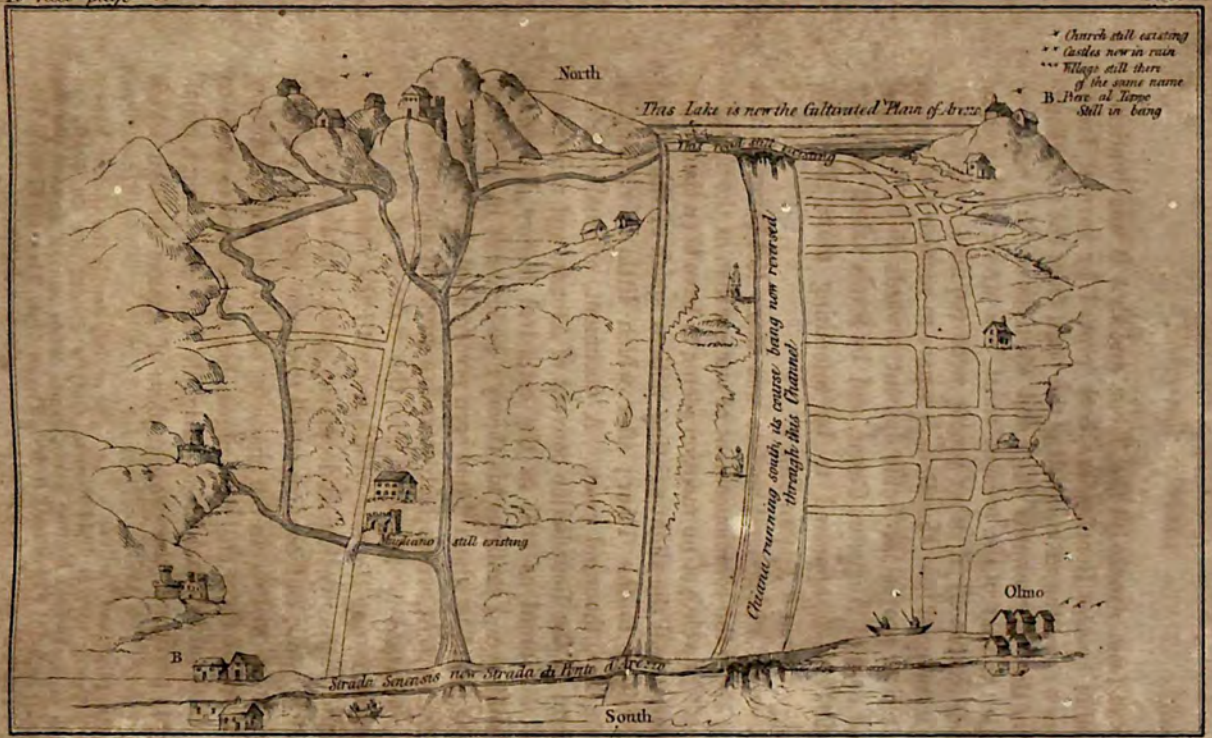
As Peter Leopold of Austria was the first prince that formed any general comprehensive system of desiccation for the Val-di-Chiana or who operated with permanent utility in the Tuscan Maremma a chapter on these subjects may perhaps not be useless, for notwithstanding that modern energy in Tuscany loses in comparison with old republican vigour, some redeeming spirits appear at intervals to recall the past and brighten up that prevailing indolence in which the whole Italian nation has been so long and unnaturally immersed. The change of that valley from pestilential swamps to gardens of health and plenty is perhaps one of the most interesting results of modern science, and proves that the mathematical skill and acquirements of this fine nation are still inspired by the spirit, and directed with more than the knowledge of ancient Italy. The vale of Chiana on the eastern confines of Tuscany is inclosed by two mountain chains nearly parallel to the meridian and bounded north and south by the rivers Arno and Paglia: these ranges form, by their indentations, an irregular valley from two to five miles in breadth and sixty in length, broken up in the wider parts by a succession of hills, studded with hamlets cottages and other signs of prosperous civilization; but vestiges of ancient dwellings, not unfrequently discovered, suggest ideas of a more numerous population in former ages. This district now in-

cludes the cities of Arezzo Chiusi Montepulciano and Cortona, about forty or fifty small towns and villages, and an equal number of rivers and mountain streams; these rushing laterally from the hills fall into a canal which threads all the valley from near Tresa to the Arno on the north, and the Tiber on the south, but connecting itself with the latter by means of the rivers Argento and Paglia. At various points and times, and latterly about the vale of Tresa, lay a succession of swamps in such a state of equilibrium as to be impelled on either side by trifling accidents, even a squall of wind and rain alternately sweeping them towards Rome or Florence *.

By a boundary treaty with Rome in 1780 the course of each stream was settled and the Tresa acknowledged as tributary to the Tiber; but the redundant waters about Chusi, on the contrary, flow through the canal of Querce to the lake of Montepulciano and are finally discharged by the Chiana channel into the Arno. There are not historical facts enough to support a clear explanation of the real causes leading to the ruin of so large a tract of country by the mere action of water, but there are many indications, which coupled with ancient records and the relations of classical authors, enable a tolerably correct judgment to be formed, not only of the probable time but the manner of these alterations in the physical aspect of all that district. The venerable Cavaliere Vittorio Fossombroni †, to whose genius the present improved state of Val-di-Chiana is chiefly owing, endeavoured to trace this subject to its source and give satisfactory explanations of an occurrence so singular as the reversed inclination of a large tract of country and the backward course of its principal stream through nearly the same channel to the very point which, at one time constituted its source. That the river Chiana's ancient direc-

* See plan of the Val-di-chiana 1551. Also Fossombroni, "*Memorie sopra la Valdichiana.*" Napoleon, when speaking of Fossombroni's limited field of action in Tuscany, remarked that he was "*A giant in an 'Entresol.'*".

† He died since this was written.


North
This Lake is now the Cultivated Plain of Arezzo
Chiana running south, its course being now reversed through this Channel
Olmo
B
Strada Senarsa now Strada di Ponte d'Arezzo
South
* Church still existing
** Castles now in ruin
*** Village still there of the same name
B. Pieve al Toppe Still in being

Bird's eye View of about 5 Miles of Country about the Gorge of Chiana; the original document supposed to be of the XIII Century. This shews the Southward Course of the Chiana and proves that part of the Plain of Arezzo was once a Lake

tion was from Arezzo to the Tiber, and that it was rendered navigable by the Romans are both proved by several Latin authors *; and the natural fall of the plain from the neighbourhood of that city towards Pigli and Castiglione, in a contrary direction to that of the present canal, is a strong confirmation of their testimony if other proofs were required. A project once introduced into the Roman senate to reverse the course of this river proves its feeble descent towards the Tiber even in the days of Augustus Cæsar, and by levels taken in 1551 the inclination appeared to be something more than two English feet in a Tuscan mile †.

Although the general surface was many feet lower in this valley about the commencement of our era than at the taking of these last levels, yet no mention seems to have been then made of marsh, and the slight existing notices speak of the Chiana as tributary to the Tiber; after which little or nothing is known for a thousand years. A document, originally in the archives of the Benedictine convent of Arezzo, and mentioned by Fossombroni as still in the cathedral library, illustrates this subject and confirms his theory: he heard of its existence from a friend by whom it had been preserved at the suppression of that convent, which had extensive property about the present "*Chiusa de' Monaci*" near the "*Gorge of Chiani*," a strait connecting the vale of Chiana with the plain of Arezzo. This interesting geological document gives a bird's-eye view of about five miles of country round that pass with the topographic names written in the character of the thirteenth century and many of them still unchanged, but the Chiana is made to run southward from a broad navigable lake occupying a considerable portion of the present plain of Arezzo through which

* Strabo, Pliny, and Tacitus.

† The Tuscan mile is 1654·French metres or about 1812 English yards, and equal to 2833½ Florentine "*Braccia*." The "*Braccio*" (supposed to be *exactly* double the ancient Roman foot) is divided into 20 *Soldi*, and each *Soldo* into 12 *Denari*, like the Tuscan *Lira*. There are 67·3008 Tuscan miles to a degree.

that river now flows in a course diametrically opposite*. The Tiber and Arno rise about eighteen miles from each other in the Falterona branch of the Apennines and flow for awhile in parallel lines to the southward: about four miles from Arezzo the Arno turns abruptly westward and keeps this course until it bathes the plain of Florence †. This sudden change so unlike its sister stream, became the subject of Fossombroni's investigation: he believed it to be impossible that the Chiana and its tributary waters with so slender a descent could alone have rolled away such a mass of matter as was deposited in the valley, therefore sought for a greater power near Arezzo, in the supposition that a branch of the Arno once followed this course. The strong physical indications which support this hypothesis coupled with Strabo's assertion that the Arno once had three branches, and the testimony of the above-named document, leaves but little doubt of the fact. The former submersion of the plain of Arezzo and its subsequent desiccation are moreover proved by the regularity depth and uniformity of the deposits as well as by the antiquities and fossil remains there discovered, all indicating a continued action of water much too constant and powerful for anything but a single great river to have caused. But the Arno is the only great river in this neigh-

* For a more detailed account of this interesting subject, see Fossombroni's Memoir, entitled "*Illustrazione di un antico Documento relativo all' originario rapporto tra le acque d'Arno e quelle della Chiana,*" and published in the Acts of the Italian Society of Sciences at Modena; but more recently (1835) in his "*Memorie Idraulico Storiche sopra la Valdichiana.*" (Montepulciano. Presso, Angiolo Fumi.)

† Dante has not missed this opportunity of making a sarcastic remark on the people of Arezzo, (whom he designates as "*Botoli*" or *curs*, with more power to snarl than bite), as well as on those residing on the river's bank.

. . . " Per mezzo Toscana si spazia
Un fumicel che nasce in Falterona,
E cento miglia di Corso non sazia."
* * * * *
It flows,
" Tra brutti Porci più degni di galle
Che d'altro cibo fatto in uman use,
Dirizza prima il suo povero calle.
" Botoli trova poi venendo giuso,
Ringhiosi più che non chiede lor possa,
Et a lor disdegnosa torce il muso."
Purgatorio, Canto xiv.

bourhood, and every mountain stream has worked so deeply into the soil as at once to forbid the notion of their ever having formed it; besides which their steep incised banks betray the very form and pressure of ancient alluvions, and the signs of increased depth in the Arno's bed are equally striking. Little doubt therefore exists that a branch of the latter did once and for a long period occupy the plain, and by driving part of its waters through the Gorge bore off the more sluggish Chiana unimpeded to the Tiber. Engineers believe it impossible for two branches of one and the same river to remain long in equilibrium, because the slightest preponderance in strength of current or portable matter will be the incipient cause of change, and finally deprive one or the other of its water: the Arno below Arezzo probably underwent this process, for running as it did, down a rapid descent, deepening its waters, and therefore augmenting their speed, the bed must have gradually worn away to a lower level, while the Chiana branch still remaining undepressed, by degrees drained off to the lower stream leaving most of its deposits on the plain of Arezzo. The detritus rolled down by mountain torrents meanwhile must have destroyed the original slope, and encumbering this valley, now deprived of its current, have filled it with a succession of marshes. The Arno's western or still existing branch was assisted in its course and its draining power certainly facilitated by human art in very remote times, because the marks of tools are said to be visible on rocks near the mill of "*Imbuto*" evidently, for some such purpose; and tradition tells a similar tale about the "*Golfolina*" rocks near Signa, as a means of draining the plain of Florence.

Very little water seems to have flowed towards the Arno before the middle of the fourteenth century, when a short canal was cut to dry the adjacent plain which probably then began its change from the condition of a navigable lake to that of a marsh with numerous ponds; as several places still called

"*Acqua morta*" seem to imply. This canal was the root of every artificial operation up to the present day: it was a mere imitation of what nature had already commenced, and as the mountain torrents gradually elevated their lower bed and swamped the country, they were successively drained off to the northward by repeated elongations of the primitive cut, beginning with the "*Lota*" and "*Vingone,*" the two streams first affected by the new course of the waters. That this operation was very slow appears from an old plan of the Val-di-Chiana drawn in 1551, by which we learn that from the "*Porto di Brolio*" the waters at that epoch still ran to the Tiber, and from "*Porto Pilli*" to the Arno, all the intervening space being a stagnant but fluctuating swamp, so that only four or five miles had been added in two centuries to the drain, and the whole line of the Chiana to "*Carnaiola*" was a succession of marshes. At the end of that century the highest point was "*Foiano*" about ten miles further from the Arno, between which place and the bridge of "*Valiano*" the waters became still and pestilent, but falling from Valiano to the Tiber. During this time the deposits of the Esse and Foenna streams had turned the course of many others in an opposite direction and thus the canal dragged its slow length along to its present termination at the vale of Tresa beyond Chiusi; about twenty-six miles from its original point of departure in 1345.

According to Fossombroni there are several ancient documents which prove that in 1045 the Chiana not only flowed south but that the country instead of marsh was covered with houses vineyards and tillage, nor until the twelfth century did it begin to assume an uncertain character between swamp and stream, or become generally unwholesome. In 1226 the scene changed; no running water remained, and the place was mentioned as "*Pastures between the Chiane*"*. As early as

* These swamps are mentioned by Dante and other poets, and their name besides the plural termination as above given, seems to have been adopted even

PLAN
Shewing the condition of the
VAL DI CHIANA
in 1551
from an old parchment of that date.
Chiara di Castel della Pieve
Chiusi
Porto
Passo alla Querce
Chiara di Monte Pulciano
Torre di Beccato Quello
Castiglione della Pieve
Valiana
Porticciolo
Salarco F.
Fornina F.
Torrita
Esse F.
Fojano
Porto di Brolio
Porto di Cesa
Porto del Omomorto
Porto del Barro
Porto nuovo di Porto di Fojano
Lago di Castiglione
Ponte della Pieve al Tappo
Ponte alla Nave
Ponte della Pietra
Molino de Frati
Pescaia
Molino
Ortali
Arezzo
Fiume
Ponte a Buriano
Porto di Pulciano
Porto di Pilli
Poggio Valle
Monteleone
Ponte di Monteleone
Fabro
Carnaiola
Ponte
Muro della Lega
Muro del
Molino di Ficulle

1195 "*Mal'aria*" began to affect the neighbourhood of Montepulciano but with little force even at the commencement of the fifteenth century: in the sixteenth it was thought that the same influences which had then carried desolation into this valley might be so skilfully directed as to repair their own damage and even restore the property they had formerly destroyed *.

But the partial application of science would only have patched up minute isolated portions of land had not the Medici directed the attention of several great Tuscan and Roman mathematicians to a general system of hydraulic operations for recovering the whole valley. As far back as 1525 the communities of the Val-di-Chiana had committed the amelioration of their lands to Clement VII. but all operations were subsequently suspended by his and Duke Alexander's death, and finally stopped by the civil wars of that period, so that it was not until 1551 that they could be resumed by Cosimo I. who ordered the plan and levels already mentioned. This plan exhibits a tract of marshy land about fifty miles in length; dreary, desolate and sickly! Our modern map shows the same district healthy, flourishing, and cultivated; the abode of independence and substantial comfort! This pleasing change is the result of a long but connected series of operations outstripping the most sanguine hopes of the sixteenth century and realizing what Torricelli deemed almost chimerical. At that period only a partial amelioration had been effected, principally near Arezzo, extremely useful

as generic of marshes. For instance in the "*Morgante Maggiore*" of Luigi Pulci, at Canto xxiii., Stanza xli., we find:—

"Tutto quel giorno cavalcato avieno
Per Bosche, per burron, per *mille chiane*,
E non s'avevon messo nulla in seno."

Dante, in Canto xiii. of the Paradiso, speaks also in this general way, but more pointedly about these particular swamps and their sickliness, in Canto xxix. of the Inferno. See also Rondinelli, "*Sopra lo Stato antico e moderno di Arezzo*" (in 1583), p. 76. "*Quanto alla fertilità del paese e delle sue Chiane.*"

* Fossombrone, Memorie sopra la Valdichiana.

in itself but incapable of being extended to the whole valley for want of some broad-based universal plan, the great obstacle to which was a very natural fear of unscientific people, that the accumulated waters of Val-di-Chiana would prove too much either for the Arno or Tiber and consequently endanger the respective capitals. In consequence of this every improvement became isolated, selfish, solely applied to the cure of small local evils, and heedless of injury to neighbouring property already reduced to cultivation.

The philosophy of Galileo and his scholars facilitated researches into the true principles on which such a system should be based, and Torricelli caught a very distinct glimpse of the modern method, of which indeed he may be justly deemed the author, although he did not carry it out to its greatest results. This celebrated man demonstrated the necessity of inclining the whole plain towards Arezzo, but in the same breath declared its impossibility on account of the enormous expense; and any idea of effecting this through natural means, seems, by one of those oversights that sometimes accompany genius, to have been as it were lost in the depths of his capacity: neither he nor Galileo however occupied themselves exclusively on this point, but considered the recovery of Val-di-Chiana a thing rather to be wished than expected: Castelli, the greatest civil engineer of that day, was still less sanguine and even called Torricelli a madman for asking his opinion. This failure is the more strange because Torricelli not only proposed an inclined plane but a partial application of the present alluvial system, yet without ever discovering their connexion! Such topical and isolated applications, unregulated by a constant law embracing the whole valley, had the further disadvantage of spoiling the drainage of lands already reclaimed, by incautiously raising the ground between them and the canal, so that after much outlay in cultivation they relapsed into their primitive condition. These errors could only be rectified by the action of a broad connected

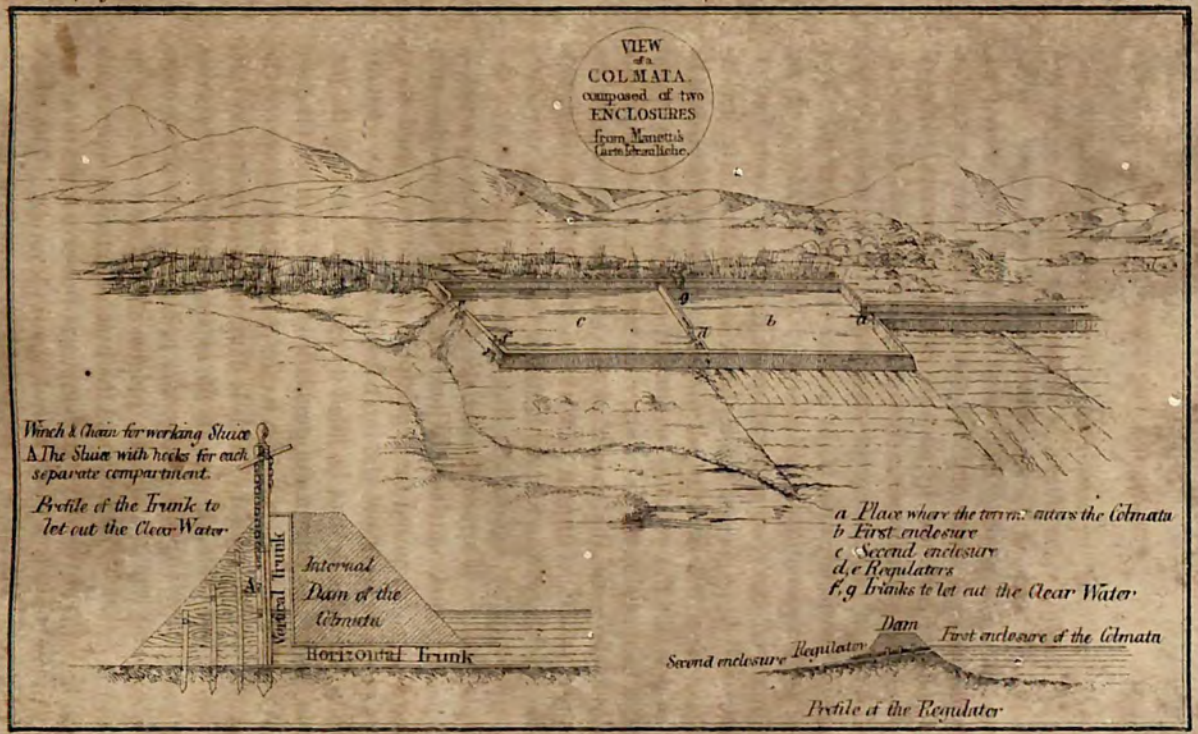
plan of hydraulic operations, and such a plan, supplied in 1788 by the Cavaliere Vittorio Fossombroni, was immediately adopted by Leopold.

Nature herself points out two obvious modes of desiccating a country: one by common drainings or sinking the water's surface below that of the land; the other a more scientific but not less natural way, by introducing a turbid stream into a hollow swamp expressly enclosed for its reception, letting it rest until the earthy matter is deposited, draining off the limpid water as it cleared, and repeating the whole process until the new-made soil becomes sufficiently high and consolidated. This by a converse action produces similar results to that of the former, and in Tuscany is called the "*Colmata*," cumulative, or alluvial system; but it has the advantage over draining of raising land to any given level either by slopes or horizontal planes. Nature offers many examples of this process, and the Italians, especially in Tuscany, have followed so rapidly as to fore-reach on her work and instead of leaving the waters to be governed by the prominent features of a country; which are generally on too vast a scale for man's powers; the Tuscans, and Niebuhr says their Etruscan ancestors also, enclosed small spaces with artificial mounds to receive the mountain torrents and successively relieve them of their burden. The preparation for a final discharge of those streams no longer wanted, together with the last draining of new-raised land so as not to injure circumjacent property, are the great difficulties which engineers have to grapple with, and the science is said to be still far from perfect. When the marshy part is surrounded by lands whose fertility is no object, the work finishes after completing the alluvion and reconducting the river to its natural bed; but when the "*Colmata*" is to be made in the midst of arable land of little or no slope, great circumspection becomes necessary: in this case the process is extremely delicate, and time must be accurately calculated in order to prepare some other spot for

the stream's reception when the process of deposition is finished. Far more complicated is a whole system of "Colmate" with several rivers in one district, all directed at various times on successive portions of marsh, and gradually raising it to such altitudes as require no further assistance from art. The data on which these calculations rest, are: First, *the extent of land to be raised to the given height* by a succession of "Colmate" laid on a certain number of diked inclosures at different times: Secondly, *the quantity of earthy matter to be spread for this purpose;* and Thirdly, *the force and suspended contents of the waters thus made use of.* These have been found sufficient to calculate the minimum of general effect produced by the force of several turbid streams, whence may be deduced the minimum of time and expense necessary for any complete system of "Colmate."

The mass of earth required for Val-di-Chiana lay on the neighbouring hills, and thence the streams were compelled to distribute it over all the lowlands, first in one place then in another; wherefore the direction of these streams and the order of "Colmate" needed much combination and previous calculations; such for instance as the area of the inclosure, the quantity of earthy matter in suspension, the thickness and altitude of dams, the strength and dimensions of sluices; besides other computations, by means of which this system was sometimes so accurately carried on that seed has been sown and harvests reaped on spots still under the action of "Colmate" so as to leave the ground again ready for a coming inundation *. The small "Colmate" are formed by a single inclosure, but greater streams require several in succession to hold the greater volume of water; to preserve it longer in repose; and thus to insure its complete purgation. A stream or river is directed into the first inclosure between two lateral dikes, and issues at a point diametrically opposite, by an opening raised a little above the proposed elevation of the soil: not far from

* Fossombroni, Memorie sopra Val-di-Chiana, pp. 199 and 357.


VIEW
of a
COLMATA
composed of two
ENCLOSURES
from Manetti's
Carte Schematiche.
g
c
a
b
d
f
Winch & Chain for working Sluice
A The Sluice with hooks for each
separate compartment.
Profile of the Trunk to
let out the Clear Water
Vertical Trunk
Internal
Dam of the
Colmata
Horizontal Trunk
a Place where the torrent enters the Colmata
b First enclosure
c Second enclosure
d,e Regulators
f,g Trunks to let out the Clear Water
Dam
First enclosure of the Colmata
Second enclosure
Regulator
Profile of the Regulator

this "*Regulator*" or waste-pipe, is fixed a square wooden trunk traversing the whole thickness of the dam and opened by the action of a sluice which lets out the limpid water after deposition has taken place. The loaded mountain-floods rush down in the rainy season and fill the first inclosure up to the "Regulator," whence by an easy fall they descend into the second, and so on successively to the last outlet, which allows of their escape into the great recipient canal or some smaller conduit connected with it, in a state of perfect purity. The trunk above-mentioned called the "*Tube*" is only used for draining off the clear water when all the silt has been precipitated, which is generally completed in eight-and-forty hours: these tubes are multiplied whenever it becomes necessary to accelerate the process on account of the air, which would suffer in that climate from stagnant water, and to weaken the current between the mouth of the entering stream and the regulators. The ground is made to rise like a sloping bank from the bed of the first inclosure to the summit or threshold of the regulator, which falls like a weir into the second; the whole being well armed against the action of water by a shield of fascines and wattles. When the mere reclamation of a single spot is required the regulator is permanently fixed about five or six inches above the intended level of the new ground; but when a marsh is to be filled up and raised to some height, it is placed lower down and gradually elevated with the progress of the work: in this way the feeble peaty bottom is spared the superincumbent weight of a whole dam, which moreover, by thus growing with the work, spreads the expense over a larger portion of time. The altitude of the dam in either of the above cases depends on the determined height of the new soil; but its slope is invariably natural, and the base so extended as with the said inclination of forty-five degrees to preserve a width at the top of about six feet when at its utmost elevation. The whole face of this rampart is preserved by an arming of green turf,

and a willow-hedge at the foot of the internal scarp breaks the shock of water when agitated by a boisterous wind. The "*Tube*" is composed of an oaken horizontal trunk united at one end to another trunk placed in a vertical position and supported by two strong posts; between these there is a sluice divided horizontally into several compartments and worked by a chain-winch: to each of these compartments is attached a hook, so that by shifting the winch-chain to the upper, lower, or any intermediate hook, the whole or any fraction of this sluice may be worked or left alone, and by successively abandoning the lower compartment as the ground rises, a firm shield is always opposed to that disturbance which water is sure to create in the unsound earthy foundation *.

For about five centuries the Val-di-Chiana got rid of a very small portion of its waters, the greater part of them creeping sluggishly to the Tiber while a short attenuated thread wound slowly to the Arno; but after the year 1769 the latter was greatly enlarged by mathematical science and the Arno finally received a body of fluid fully equal to any of its tributary streams, for all that between Chiusi and Arezzo was then discharged into it, and with a current so much accelerated that this great basin which formerly took about ten or fifteen days to empty itself, now requires but two. Neither has this been attended with any perilous overflowing of the Arno; on the contrary we are assured that instead of thirty-one vast floods which rolled their desolating waves over the country in the course of three centuries and a half, not a single one has happened since 1761, notwithstanding a vast augmentation of water; whence it would appear that this increased body of running water in a limpid state; equal to four times its former bulk; has had less influence in elevating the surface of the river than an accelerated current, which is partly the effect of that limpidness,

* Cavaliere Alessandro Manetti, Carte ed Illustrazioni della Val-di-Chiana. See also Plate IV.

employs in depressing it! Even Torricelli once feared the reverse; but such science was better understood in after times, first from the doctrine of Galileo himself, and subsequently by experiments made at Bologna on that particular point*.

This increase in the volume and velocity of water without raising its surface, may be compared to a current of air which with a high state of the thermometer carries off heat so rapidly from the human body as to create a sensation of coolness greater than that caused by a lower temperature *without* wind; and so an additional stream, especially if it be clear, augments the velocity more than it elevates the surface, and in some cases it is said even depresses the latter, in the ratio of its increased velocity.

The destined objects of the alluvial system in the Val-di-Chiana give to it a peculiar interest scarcely shared by other works of the same nature; this consists in the accomplishment of two principal ends by one simple operation; namely, covering a long line of marshes with good soil, and raising the level of a whole district so as to allow the waters to drain off freely without any further scientific aid; for if the latter be not completed present improvements must be imperfect and ephemeral. In the Maremma the same objects are sought for; but operations there are principally confined to three marshy spots of no

* Even from 1758, but certainly from 1761, no serious flooding of the Arno occurred until 1844, when half Europe besides, suffered from inundations: yet in the face of this universal calamity there was a great and apparently a very ignorant and unjust cry raised against the able and experienced engineer Manetti, as if *he* had *caused* this flood by some alterations made about the "*Chiusa de' Monaci.*" This must have arisen through popular ignorance, based on some slight difference of opinion which is said to have existed between Manetti and Fossombroni on the management of that particular spot, for in no Florentine chronicle or history are such inundations attributed to the *Chiana's* influence; it of course *assisted;* but to the *Sieve* and its tributary streams *are invariably ascribed these catastrophes;* nay, so much was this truth impressed on the ancient Florentines as even to become a proverb; and it was commonly said that, "*Arno non cresce Se Sieve non Mesce.*" Probably no flooding of the *Arno and Chiana alone* would cause injury any where; on the contrary, the clear water now poured in from the latter by accelerating the Arno's velocity *prevents* floods and enables it to bear and carry off the waters of the far more loaded and formidable *Sieve.*

very great extent, but deadly influence; and will be accomplished by three similar but distinct applications of hydraulic science. The works completed in the former have already restored an immense tract of country to the hand of man; but the natural authors of that mischief which by the magic of science were compelled like evil spirits to undo their proper work, will again sweep wildly over the recovered plains if the wand be, even for a moment, withdrawn ere the charm be completed. The present system which requires the most delicate management must therefore be rigidly pursued, and the great recipient channel will be either useful or injurious according to the skill, providence, or negligence, with which it may be hereafter attended. The weir of a mill which belonged to a convent of Benedictines situated about four miles from the confluence of the Chiana and Arno, where there is a considerable fall of ground, was the great object of contention amongst the Tuscan mathematicians of the sixteenth century: it was repeatedly lowered, demolished, and again reëstablished, according to the courtly influence of mathematicians or some favourite theory of the day; but more frequently by the waters themselves, which sweeping impetuously through the whole length of vale tumbled foaming into the Arno and carried everything before them to the sea. It was the terror of these visitations, against which the monks' weir seems to have been the only defence, that scared the whole country and checked improvement. Nevertheless in the year 1640 Eneas Gatti of Castiglione boldly proposed to remove this supposed Palladium, and along with the depression of bed thus acquired prolong the canal to the southward as far as the lake of Montepulciano, by which he thought the whole inclination would be so increased as to carry all the turbid waters with ease into the Arno. This scheme, neglected until 1645, was on its renewal opposed by Torricelli and sharply defended by Professor Michilini of Pisa; but many more tongues opened on the former, whose talents

were too conspicuous to be without a reasonable number of detractors: much angry discussion followed, which ended by Torricelli's convincing Cardinal Leopoldo de' Medici of his correct judgment, and saving the monks' weir: even in the present advanced state of the works this barrier is handled with extreme caution, and some time will probably elapse ere it can be entirely demolished. Torricelli amongst other reasoning, illustrated his objections as follows.

"Let us imagine the pavement of some vast hall (Florence "cathedral for instance), inundated to the depth of four inches "and a small channel of one inch deep cut through the centre "to the threshold of the great doorway, through which let it "also be supposed to pass in order to give an issue to the "waters. My opponents think that by cutting this canal four "times as deep the water would drain off four times as fast; "but I say absolutely *no*. It is true that the water would flow "with a little more velocity than at first but the difference "would be trifling and the advantage insensible. To gain the "desired end, it would be necessary to remove the whole thresh-"old of the church; but a much greater acquisition would be "made by increasing the slope of all the pavement."

The valley, which in many parts was lower than the Chiana though generally on the same level, could never have been reclaimed by this means alone, but the canal was cleaned out by Alfonso Parigi in 1653, and the Cardinal afterwards adopted Torricelli's opinions on this point as well as his ideas about the great efficacy of an alluvial process, which every day gained a firmer hold on the public mind. Scarcely anything however was accomplished by this system during the whole of the seventeenth century, and the little recovered by draining was the source of continual disputes between the papal and Tuscan governments; treaties followed treaties without effect, and the meeting of their two celebrated mathematicians, Cassini and Galileo's pupil Viviani, in 1664, whatever it may have gained for science, did not succeed

either in restoring tranquillity or producing any permanent arrangement of the question. At length the Florentine engineer Giuliano Chiaccheri profiting by Torricelli's suggestions began a system of "Colmate" with the streams about the "*Passo àlle Querce*" in 1691, and was the first to demonstrate on a large scale the soundness of that philosopher's ideas: this proof was further extended in 1702 by the engineers Tosi and Franchi, who put the whole series of torrents from Valiano to the bridge of Arezzo successively under requisition for a similar purpose; but still without any general plan, or a greater extension of views than that of reclaiming certain parcels of land from the empire of the fens, yet in so doing they occasionally damaged the cultivated portions. A vain effort was again made in 1718 to divide the Chiana streams between the Arno and the Tiber, and at the same epoch the great regulating weir and floodgates of Valiano were begun, and completed in five years afterwards: the object of this work, which reaches across the river and valley from hill to hill, a distance of three miles, was to govern the waters of the upper vale, including the lakes of Chiusi and Montepulciano, and either restrain their forward pressure or send them streaming to the north according as the flooding or drought of the season rendered necessary. Between 1704 and 1736 an extensive tract of land had been reclaimed both above and below Valiano, and the bed of the canal instead of shoaling as before, through depositions of alluvial matter, was now continually deepened by the sharper action of pure and clarified water: in 1766 the Jesuit Xemenes proposed an extensive plan of works which was attacked by Veraci, Salvetti, and Bombici, all men of science; and finally defeated by the mathematician Perelli in 1769. To this able man the valley is indebted for the canal of "*Passo alla Querce*" which connects the lakes of Chiusi and Montepulciano; and that of the "*Chiarini*" leading to the regulating weir of Valiano; both intended to help the waters in their northern course: he also executed a project of Veraci by

turning the Lota and Vingone torrents lower down the canal in order to facilitate the passage of their alluvion, which by the former direction had been thrown in too great abundance higher up the valley with serious topical injury. Perelli also improved the "Colmate" system; removed several impediments in the canals; which by checking the course of floods even for a single day destroyed whole harvests; and altogether advanced a great step in the improvement of the Val-di-Chiana. We have seen that the Chiana ran southward in the eleventh century, the valley not then being a marsh; that it began to assume a swampy aspect in the twelfth; that a short canal was excavated to the Arno in the fourteenth; that during the next two centuries this had been extended about four or five miles, as far as *Porto di Pilli*, the waters still flowing south from *Porto di Brolio;* that in the middle of the sixteenth century the desiccation of the valley was for the first time seriously considered; that at the end of it, the culminating point had reached *Foiano*, ten miles further from the Arno; and so kept gradually advancing southward until it touched the ecclesiastical frontier near *Tresa*, as settled in 1780, when the course of all the disputed waters was finally arranged. We have also seen that the meliorations had hitherto been partial; that the engineers had straggled here and there like settlers in a new country, had improved many portions and did much good, but on no general plan, wherefore the work was tardy, unconnected, and incomplete. Torricelli had indeed indicated the road; he saw its beginning and end, but the centre was hidden from his view, nor was it until the clearsighted Fossombroni cast a comprehensive glance from the *Tresa* to the Arno that a connected chain of operations presented itself, which being promptly seized on by an intelligent monarch was put into instant execution.

The first general object was to restore a still marshy and unwholesome district to health and cultivation; exchanging reeds, boats, and fishes, for corn, houses, and men; and the

next to reduce it to a state of such improvement as would allow of its numerous streams being abandoned to their natural course without further aid from man. Nature had herself altered the former level of the vale, so that it was no less difficult than undesirable to check the northern flow of these sluggish waters and lead them once again to the Tiber; but the filling up of the marshes was necessary; the increased inclination of the whole valley by a twofold slope, laterally to the canal and longitudinally to Arezzo became requisite; and, when their allotted task was finished, a quiet means of exit for the mountain torrents would also become necessary; and all this was to be executed without any damage to lands already reclaimed and in cultivation. Let the ancient condition of this valley be for a moment refigured to the mind: bounded throughout its whole length by lateral hills and streams; a slender rill of water in the midst, and seen but partially; now sluggishly creeping towards the turbid Arno, now scarcely trickling through the opposing weeds and floating verdure, or lost in a succession of broad slimy swamps which for miles on either side lay flat and motionless. Death was everywhere; human beings shunned the spreading pestilence, nay even the very birds of passage who now nestle in that same spot under the eaves of comfort, then soared far aloof from the infected plain; and the ancient Cassian way, still practicable about the middle of the twelfth century, was at that time lost in the wide waste of waters*.

Rondinelli, who wrote in 1583, says that "near the villa of *Alberoro* the marches were most covered; and that patches of earth full of rushes reeds and other aquatic plants such as willows and alders, looking like ships or moveable islands, sunk

* Forse non tutti sanno che i Rondoni venendo dal Nord nel estate ad abitare le nostre contrade non soglioño fermarsi in paese di aria paludesca ed infetta. Ora una conferma del ben' essere stabilito in Val-di-Chiana ce la offrono ancora questi aerei viaggiatori che niuno per l'avanti ha mai veduti in quella bassa campagna, e che da alcuni anni in quà si vedono in Foiano ed in altri posti simili. (*Fossombroni, Memorie Idraulico-Storiche sopra la Val-di-Chiana. Prefazione*, p. 13.)

and rose, and floated at the pleasure of the winds; yet sustained great weights and looked so tempting that the cattle often swam to them and remained there a month and more"*.

To aid the tardy operations of nature by giving a free current to these pools, the principal obstacles to overcome were the mass of water rushing in torrents down into the Chiana; the current of which was doubly choked by the accumulated mud at the mouth of each; and secondly the extreme difficulty of giving free motion to a river so heavily charged, over a bed of scarcely any inclination, but still sufficient to carry off a stream of *clear* water to its mouth. The first step was therefore to filter these torrents by a passage through the "Colmate" before described; and the first results were the change of stagnant marsh into rising ground waving with corn, and its continued rise by means of successive alluvial doses, in a gentle slope from the Chiana's bank to the mountain skirts, while by a simultaneous and most able direction of the "Colmate" in a *transverse order* through the whole valley, the production of a long and constant slope of the entire province from Chiusi to the Arno; an operation already begun by nature; was most curiously accomplished. After having completed this vast undertaking for a distance of about three or four-and-thirty miles, the inclination of the Chiana's bed was to be augmented so as to carry off a *turbid* mass of water with all the streams of the now useless torrents, in its newly acquired character of a powerful stream; and then the province might be safely left to nature with merely the common assistance required from man.

Such were substantially the views and opinions developed by Fossombroni before the Grand Duke Peter Leopold in 1788 and by a mandate of the same year he was appointed superintendent of the works in the Val-di-Chiana; which, said that prince, "require to be uniformly directed and regulated" in order to obtain the four following results: namely, the raising

* Stato antico e moderno della citta di Arezzo, p. 76.

of all low grounds without injury to others; the elevation of the whole plain so as to acquire an inclination towards the Arno almost parallel to the existing course of the Chiana, but in an opposite direction to the ancient one; the exclusion from this river, (now to be made a recipient for clear water alone) of any portion of the turbid streams except what had passed the "Colmate;" and lastly the maintenance of the Chiana itself as a canal until the alluvial process were sufficiently advanced to allow of its slope being increased by lowering the monks' weir, so as to render the river capable of transporting the heavy matter of its tributary waters.

From this period and on this principle the works were continued more or less actively according to political events; but a government seven times changed offered great obstacles to scientific improvements, and it was not until the return of Ferdinand the Third in 1814 that a permanent local administration with considerable powers was created under the immediate direction of Signor Federigo Capei: new levels were soon after taken by the Cavaliere Alessandro Manetti, whose interesting notice and plans of these works published in the year 1823, has spread the knowledge of them in a country to the science of which they bear so honourable a testimony.

The result of Fossombroni's system is, that no permanently inundated lands now remain between Chiusi and Arezzo except the lakes of the former city and Montepulciano, which are daily shrinking under the hand of man. In the northern part of the valley the only impediment to the reception of the uncleared torrents into the Chiana was its small slope; but this has been remedied by the formation of an outlet with sluices, at the side of the "Monks' weir," which regulates the current and gradually deepens the bed without any necessity for touching that fabric *at present;* and the whole canal as far south as the "*Porto di Brolio*" has now taken the decided form and character of a river, capable of carrying off the muddy

waters along a distance of seventeen or eighteen miles, and then casting them with various degrees of velocity into the Arno. Thus from the monks' weir the Chiana is a rapid river with a slope of bed superior to its need, and therefore with a tendency to excavate; from this spot to the *Porto di Brolio*, though still a river, the current is much less rapid and just sufficient for its labour: the space between this and Valiano can scarcely be called a river but rather a regulated canal with a slight inclination of its bed, which being unequal and shifting requires constant attention. From Valiano to Tresa the water-line is nearly horizontal and the canal passing through the lakes of Chiusi and Montepulciano needs still more vigilance than any other part. The ancient *Via Cassia* has reappeared, and a new road now runs along its foundations; but cross-roads are still wanting in the valley and industry does not increase in the ratio that might have been expected. This has been attributed in some degree to the extreme facility with which every sort of produce is raised in this abundant district; for every species of grain; wine, fruit, silk, wool, cattle, cheese, and a variety of herbage are said to be grown there with infinitely less labour than in any other part of Tuscany: Another reason is because farmers' dwellings, by a mistaken system, are not multiplied with the increasing mass of reclaimed land; hence population is checked and farms are swelled to an inconvenient size. Homesteads are scarce, and new settlers not being encouraged by the preparation of fresh habitations all reclaimed land is portioned out amongst the old; and farms are thus increased far beyond good policy and sound discretion. Families therefore, instead of being divided, are huddled together under one common roof and live on the produce of a single extensive holding when on the contrary each new married couple should have been established on an independent piece of land. One consequence of this is that different kindreds bring different interests views and passions under the same

tent; and if strife and hatred do not always follow, there is at least no sort of discipline or subordination to the "*Massaio*" or chief of the household, as in other parts of Tuscany. Each takes his own course and follows up his own particular gains and interests, and the farming is slighted even in the midst of a numerous population: the cattle are suffered to pasture unheeded; the spade husbandry, which according to the Tuscan mode should take place every third year, is omitted, and the young people grow up with idle habits and ignorant of farming. If therefore these farms were increased in rent and number, and consequently diminished in size, idleness would be discouraged, industrious habits spread, and the Val-di-Chiana even with its inferior mode of farming become the garden of Tuscany*.

The hydraulic works of this valley possess a singular and interesting faculty not often accompanying human undertakings in their imitation of nature; for by a single application of her powerful apparatus they have directly produced no less than five distinct results: namely, the desiccation of a vast extended marsh; the formation of a new soil; the elevation of a whole province with a double artificial slope which for many miles has enlarged the base of two chains of hills, and the absolute re-creating of a considerable river with a current in direct opposition to its ancient course! Add to these the direct and indirect action on industry, agriculture, and commerce, and the vast augmentation of human health and happiness, and then let us reverence the name of science and give due honour to her sons! When we reflect too that all these great changes were produced by partial, unconnected, and impeded labour in little more than two centuries and that they might have been done in a fourth of that time, can we refuse credence to the silent but eternal working of the vast geological revolutions of this planet? For nature never wearies, and time to her is inexhaustible!

* "Memoria del Signore Giovanni Neri, Presedente della Reale Accademia Ecconomica di Firenze." Also "Memoria del Canonico Zucchini." MSS.

That great tract of country which has been already so often mentioned under the name of Maremma was, like the Val-di-Chiana, full of health and agriculture under the Etruscans; it declined with the Romans, suffered greatly from the predatory descents of the Saracens, and even in the early ages of Senese dominion its prosperity was not totally destroyed. Forty or fifty decayed towns along with many other evidences of a flourishing condition still attest its former importance, and the ruins of ancient cities in all directions afford ample scope for meditation on the fall of empires and its effect even on the face of nature and the surface of the globe itself. The once opulent and powerful Vetulonia, or some other great city, still exhibits its supposed remains near the modern Massa while the latter preserves the memory of its ancient namesake*: the once bustling and industrious Populonia yet stands on its sea-girt promontory, but dwindled to a mere hamlet, the pigmy centre of a giant inclosure; the lonely beauty of its romantic port is no longer startled by the shouts of commercial industry nor dimmed by the smoky volumes of the Elban foundries; Rosselle's massive walls, like huge grey rocks, loom through the fresh covering of luxuriant nature; the Umbro is still echoed in its modern name†; Caletra has crumbled away; but Saturnia is yet in ruined existence: under the name of Ansidonia the walls of Cossa exhibit all the strength and beauty of the ancient polygonal masonry; old wasted ramparts in the plain below tell of another and an older people;‡ and the more modern remains of Roman luxury are there bathed by the same blue sea that once reflected their antique splendour! The cyclopean foundations of Orbitello suggest the idea of *Sub-Cossa*, and in the appellations of Port Hercules and Talamone still glimmers the

* Massa Veternensis.

† Ombrone.

‡ Under Ansidonia the author and a friend traced weather-worn walls of polygonal architecture apparently those of some extensive city, and said by the peasantry to extend a long way round: an ancient town perhaps of which Ansidonia might have originally been the citadel?

memory of another age and nation: "Suana" is recognized in the modern Sovana; the "Forum Aurelii" is now sought for in vain, and the Prelian lake has shrunk to a swampy reservoir of deadly exhalations. San Stefano, Port Ercole, Talamone, Orbitello, and the more distant Populonia were the outlets of commerce, and its abundant harvests often supplied the extravagance of Rome. All is now altered. Decayed and deserted cities, a scanty sickly race, a barren wilderness, and wide-watered tracts of pestilence, are the sole memorials of former prosperity and magnificence; nature alone remains in all her loveliness! The first sudden change from this florid state was in the year 935 when the Saracens after following up their conquests in Sicily and Corsica, and utterly ruining Genoa, pounced fearfully on the defenceless Maremma carrying slaughter and desolation in their course: every soul that could escape crowded to Siena and other more inland places which profited by the influx, but the land of their forefathers never recovered from the shock. The whole population of Roselle, which until then had flourished, fled to Siena, itself already crowded by the destruction of Populonia, and was the occasion of a new and more extensive circumvallation with the increasing prosperity of that city. But while these scenes were passing on the coast swarms of wild Hungarians blasted the inland provinces with similar destruction, and the ancient Etruscan Volterra amongst many other places fell under their fury; so that more mischief was done in the short excursions of these two predaceous nations than by all the others that had attacked and possessed Italy for the three foregoing centuries*. Grosseto the present capital of this district seems either to have escaped the common lot or to have risen out of the common calamity, for in 1154 it was a respectable republic and an ally of Siena, with a population in the next century of nearly eight thousand

* Muratori, Annali, Anno 935.—Malavolti, Storia di Siena, pp. 22 and 23.—Leonardo Aretino, Storia Fiorentina.

souls *. In the year 1224 it was taken by the Senese but was able to meet them with an army of three thousand men while the whole *permanent* population at this moment hardly amounts to five hundred souls †. The siege and capitulation took place in August and September, yet no unusual mortality or even sickness is noticed, whereas now during those months no army could remain encamped outside the walls and live ‡. Intestine quarrels and bad government soon deteriorated the condition of Grosseto and its district, and from the commencement of the thirteenth century it began with the rest of the province to decline; a succession of internal wars and foreign invasions continued the decay, yet in 1259 the people were still vigorous bold and enterprising, and gave Siena much trouble in maintaining her ascendancy: revolts were frequently and stoutly renewed by the citizens until the latter end of the fourteenth century, when their strength began to give way under the superior pressure of the Senese republic. Massa retained its power and independence until the middle of the same century when it also submitted to the Senese, who marched rapidly from conquest to conquest, but with an impolitic destruction of freedom, for the new subjects were not admitted to all the privileges of the dominant city; they were considered as mere vassals who might expect nothing except civil protection and that of a very questionable sort, in exchange for their public service and contributions. In the fifteenth century the Maremma still showed symptoms of vigour, but when the ambition of Charles the Fifth withered these plains in its sweep to higher flights the last remnant of their liberties shrivelled up and

* Esame del Esame di un libro sopra la Maremma, p. 20. (*Firenze*, 1775.)

† Four hundred and eighty; but the population in the healthy season is about two thousand four hundred, (1836) and increasing, yet variable according to the degree of sickness. On the statistics of Tuscany see the Conte L. Serristori's laborious and interesting work "*Statistica d'Italia.*" (*Quinta Dispensa, Granducato di Toscana.*) Firenze, 1837.

‡ Malavolti, Storia, p. 50.

prosperity with it, but the cunning aggrandizing policy of Cosimo the First was that which principally destroyed all remaining spirit, and with the acts of his successors completed the ruin of the Maremma.

In the year 1572 this prince first turned his mind to repair the evils of civil war, and commissioned Francesco Rasi of Arezzo to examine into and furnish a report on the condition of the country: from his narrative it appears that "*Mal'aria*" was making rapid progress in consequence of neglected drains canals and marshes; but Cosimo seems to have done little or nothing in the application of physical remedies, and worse than nothing by his erroneous views and absurd legislation on agriculture and all other subjects of political economy. He and his race were styled Grand Dukes of Tuscany, but Siena appears only to have been comprised in the title not the duties of that sovereignty: scientific examinations, official visits, commissions laws, tolls taxes, and unstable regulations were poured upon this province in a constant but ever-shifting stream by the Medician princes; all useless, on fallacious principles of government, with false and selfish notions of trade, and erroneous views of Florentine ascendancy; all executed with exclusive attention to private gain, not public good, even if the prince's motives by chance happened to be commendable. A want of honesty in every department was in fact one fruitful source of mischief, and taxation invariably passed through the hands of men who oppressed the people by enriching themselves while they gave the refuse to government. The whole province was wasting away, and commerce, industry, agriculture, health, intellect, human life, nay even the very air itself; all felt the influence of political turpitude, and sickened and withered under it.

This and what has been before related of the Maremma is sufficient to show that the effect of bad air, deadly as it is, was still exceeded by the more deadly poison of bad govern-

ment, and even derived, if not its origin at least its nourishment from this cause. That the marsh miasma was in a great measure both cause and effect of wretchedness in the Maremma can scarcely be doubted by any one conversant with its history, and there is reason to believe that this pestilence was scarcely known there under the Etrurians: it does not even seem to have appeared until the Roman colonists had accumulated more land than they could keep in order at a time when conquest and other causes had diminished the rural population and substituted a race of soldiers in their stead; wherefore moral rather than physical causes would seem to be the chief sources of its malignancy.

The stagnant lake or marsh of "*Castiglione della Pescaia*"* is from its mingled salt and fresh waters the focus of disease and death to Grosseto and all the neighbouring country: it commences at the former town, twelve miles west of Grosseto, and is about ten miles long with a breadth of from two to eight at its least and greatest indentations, and a superficial contents of thirty-three square miles. The Bruna a stream of some volume which descends from the little romantic lake of "*Accesa*" near "*Massa Marittima*," after a course of seventeen or eighteen miles falls into this swamp, and working its way with difficulty through forests of luxuriant reeds, joins the sea at Castiglione by the "*Fumara*" a short artificial canal with regulating sluices. Near the centre of this marsh is a small lake of fresh water called the "*Meloria*" with a branch named the "*Melorino*" close to which shoots out a spit of high ground denominated the "*Badiola*" formerly an island, on which in ancient times the notorious Clodius is supposed to have built his villa.

The north-west boundary of this marsh is a range of hills already described as running inland from Castiglione della Pescaia, and a broad tract of pine woods under the common appellation of "*Pineto*" shuts out its southern confines from

* The "*Lacus Prilis* or *Prelius*" of the Romans, but then a gulph of the sea.

the sea by an accumulation of sandy ridges called the "*Tombolo.*" The vast and sickly plain of Grosseto which extends nearly twenty miles, from the river *Ombrone* to the skirts of a mountain called *Sasso Forte*, clings tightly round it in every quarter. This is the great magazine of fever; but there are, or rather were, other swamps in various parts of the Maremma, and the neglected canals and drains, the wood-entangled pools in forest land, with neither course nor ventilation, besides the half-marshy condition of many places still susceptible of culture, all combined to destroy the sources of life in that unhappy country. Although the rivers "*Bruna*" and "*Sovata*" are the principal feeders of this marsh yet many smaller streams contribute to its waters, while the Ombrone, with a full current and navigable for a considerable distance, winds its way in successive reaches until within a mile of Grosseto, where, shunning the deadly swamp, it flows calmly to the sea.

The sluices of Castiglione were generally closed in May to keep a full lake during summer, but commonly with bad effects; for the smaller tributaries soon ceased flowing, and even the Bruna, in that season a mere thread, assisted putrefaction without compensating for the evaporation which even in early spring produces nocturnal chills almost equal to the cold of winter, and is a fertile source of illness. In summer the bed of this swamp became a manufactory of death, and its working was assisted by the decay of millions of aquatic insects reptiles and other portions of animal matter, especially small fish suddenly deprived of life by heat and drought; all of which added their corruption to the floating poison of the atmosphere. But the most powerful cause of "*Mal 'aria*" is in this country generally believed to be the decay of vegetable matter; not of every aquatic plant, but of the various species of the "*Chiara*," especially the "*Charæ vulgaris hispida*" which abounds in the Tuscan marshes: it has slender jointed vertical branches terminating in what can scarcely be called leaves which like the stem are hard and

fragile, or occasionally flexible, and both opaque and transparent according to the species: it is interesting also from a curious circulation of small globules between joint and joint which has occupied the attention of naturalists, amongst others Professor Paul Savi of Pisa, who has published the result of a series of experiments made by him at the Grand Duke's desire which though not generally received as conclusive are nevertheless extremely interesting.

When heat begins to dry the swamps, a particularly fœtid odour is disengaged and called by the natives "*Puzzo di Padule*" or marsh-stink, which is described as being totally different from any other smell and considered to be the immediate occasion of miasmata in this once healthy and still fertile district, where as it is said "*no smile is seen around the cradle of the new-born babe, nor is the voice of weeping heard within the chamber of the dying man.*" One of the most remarkable qualities peculiar to the *Chiara* is the offensive and sickening odour it exhales, known in Tuscany by the name of "*Putera:*" it is asserted that any person who has smelt them both will at once acknowledge its identity with the "*Puzzo di Padule.*" The cause of this formed the principal subject of Professor Savi's investigations, and their result the discovery of an extremely volatile substance scarcely soluble in water or for the most part held in suspension by it; very slightly soluble in alcohol, but perfectly so in the volatile and fixed oils; in greasy substances, and in ether; it is also soluble and saponaceous mixed with alkalis; can be obtained united with water by distillation, and afterwards be separated with ether: it has a strong smell, similar to that proceeding from half-dried marshes; it confuses the brain, produces headache and nausea, has a sharp caustic and disgusting taste, and when applied to the skin creates a disagreeable itching which lasts a long time. This substance was distinguished by a new and particular name derived from the vulgar appellation of

"*Putera*" and called "*Puterina.*" The various species of Chiara are to be found in every marsh of the Maremma where the poisonous effluvia are exhaled; but where the water is deep and the plant consequently submerged, the odour is not perceived because it probably remains suspended in the water: for instance the Lake of Bientina near Pisa although full of this plant is perfectly free from smell; but when all the aquatic plants are exposed to the summer heat the miasmata are most abundant. When but little water is in the marshes, and the Chiara with other weeds which mat the bottom are barely covered, although the water be putrid and its surface spread with an iris-coloured film, the genuine "puzzo di padule" is not distinguished; and it was either found by experiment or supposed, that this pellicle prevented the volatilization of the "puterina" although the smell of the water might still be very sensible. It is a common remark that the marshes are only poisonous when dry, and the first heavy fall of autumn rain always restores health to the infected districts; but the humidity taken up during the day by evaporation falling about sunset in chill nocturnal dews throughout the summer, creates a sensation of cold so sudden and penetrating as always to constitute one great cause of sickness. If however the instantaneous and violent check to perspiration were not in itself a sufficient source of illness, the "puterina" inhaled with the condensing atmosphere, and received outwardly on the relaxed and heated frame might sufficiently account for such effects; for it was proved by experiment that this substance when raised in aqueous vapour was found still united with it if the latter were precipated in a liquid state. The Chiara thrives in water sufficiently salt to kill all other fresh water plants, but not in pure sea-water, and this strengthens the general opinion that mixed water marshes are most baneful, as the plant has in these a clearer field to flourish and propagate its species: besides when Professor Savi placed it in a mixture of salt and fresh

water it putrefied more rapidly and disengaged the "puterina" more copiously than in fresh water alone. Similar and simultaneous experiments were made with other aquatic Maremma plants but none of them emitted the smell of "puterina" and at the same moment that the Chiara evolved its most disgusting stench they on the contrary retained their pristine odour.

If all the exhalations were confined to the atmosphere immediately above the swamps, the effect would be comparatively harmless; but every wind that blows between west and south-east carries them to a distance of many miles and to considerable heights on the intervening hills, where fever is said always to make its appearance, in both the putrid and intermittent form, at the precise moment when any of these winds sweep over the marsh: this too is a common observation throughout all other marshy districts of the province. From researches made on the spot, there would appear to be two distinct causes for maremma fevers; one the common effect of miasmata, or "*Cattiv'aria*" as the Italians generally call it; the other a consequence of suddenly checked perspiration by the excessive chill of the night air which commences immediately after sun-set; a cold described as more like January than July. The peasants, bathed with perspiration, repose themselves about noon under the doubtful shade of some stunted tree where if the sun catch them dormant certain fever is the consequence: if they escape, worn out and heated with work, they ascend to their dwellings on the steep hills and should they not already have been struck by the evening cold in the plain are probably caught on the summit by a sharp cutting blast or the colder night dew, and fever surely follows *. Of the ancient healthy condition of the Castiglione marsh and its communication with the sea there is no doubt; because independent of the existence of old charts and other

* The author experienced this very sensibly and sharply, even in April, after a hot day's excursion to the ruins of Roselle and afterwards by an attack of fever in ascending from the plain of Grosseto to the top of the hill on which Rocca Tederighi is situated, the effects of which were not easily shaken off.

proofs, Cicero in his celebrated oration for Milo, in allusion to Clodius says "Is he not the same who when he could not prevail on Titus Pacavius to sell him an island in the Prelian Lake "immediately carried over in boats a mass of building materials "and lime and mortar and sand; and in the very face of the "owner who was looking on from the shore did not hesitate to "build a house for himself on the property of another?" This island, now supposed identical with *Badaiola*, still retains the vestiges of an ancient abbey believed to have been erected on the foundations of the Clodian Villa and therefore continues the proof of its salubrity down to a much more recent period, for none now dare to pitch their tents in this cemetery, and churchmen were never blind to their own good. Ximenes believed that the ruin of this lake originated in the construction of a "*Pescaia*" or weir across the "*Fumara*" in the days of the Senese republic, from which he, perhaps erroneously, inferred that the town of Castiglione took its present appellation: but there are sufficient natural causes for the mischief: yet this work, by damming up the waters and cutting off all communication with the sea, caused a greater expansion of marsh, the more rapid shoaling of its bed, and an increased aquatic vegetation with augmented pestilence. The people of Grosseto and Castiglione consequently petitioned Ferdinand the First to demolish the *Pescaia*, with which he complied, and at the same time ordered a drain called the *Fosso nuovo* to be excavated in 1591; but this was purposely impeded by those interested in the lake fisheries, and it was not untill 1629, after their rents had been expressly lowered by government, that the canal could be maintained in an efficient state. In 1614 a navigable canal with an embankment against the floods of the Ombrone was made from the above cut to the vicinity of Grosseto but without effect; indeed it went so completely to ruin that Ximenes could discover no trace of it in 1765; and a similar attempt by Chiaccheri in 1694 had little better success, though its remains

were found, and the canal in some degree restored early in the eighteenth century. In 1630 four openings were made in the dam under Castiglione to allow of a free egress for the waters, and twelve years after, the fishing of the lake was farmed out at a dimimished rent in hopes of saving the works from wilful damage by the fishermen, but apparently without success, as the inhabitants of Grosseto were still complaining in 1644 of increasing evils, more especially the filling up of the port of Castiglione della Pescaia, and even of injuries done to the fishery itself by these trespassers.

The immediate construction of a stone fabric with six sluices by order of Ferdinand the Second had no effect in counteracting them any more than the annual visits of Grosseto functionaries; so that the evil increased and continued augmenting up to Leopold's day in despite of every popular complaint and dissatisfaction. But as the territories of Pisa and Leghorn were once in a similar state and yet by the care of the Medici were entirely restored, the Grand Duke saw no insurmountable difficulties to the production of similar effects in the lower province of Siena: wherefore to reclaim as much as possible of the marshes; to place all the rivers and ancient drains in a state of useful action, and keep them so; to promote the construction of dwellings and the colonization of the country, became his primary objects. The swampy lakes of Bientino and Fucecchio; the wet grounds under Asciano; the low plain between the Arno and Serchio, and between the former and the high grounds of Leghorn, had all been reduced by the preceeding dynasty to a state of comparative salubrity, and water was carried to Pisa over a fine arched aqueduct of nearly four miles in length from the distant springs of Asciano. All this district had in fact been re-created, and it was not thought unreasonable to expect a similar result in the Maremma where the soil was reckoned more fertile and the ancient state of prosperity appeared to have been greater: the hills, where

olives still grow wild in all directions, were also better adapted to their culture and that of the vine, than those of the former province; and with the exception of the lake of Castiglione and perhaps the swamps of Scarlino, the rest of the Maremma was generally more elevated than the Pisan territory, and therefore more capable of desiccation at a less expense: besides this the Maremma abounded in minerals and woodland, and was in all respects a district for agriculture and commercial enterprise. In the winter when the country is healthy, multitudes of labourers and herdsmen descend from the Casentino hills, the mountain of Pistoia, Parma, Modena, and even Rome and Naples, to burn charcoal, cut drains and timber, and gain their livelihood by every species of industry. The day-labourers remain at an augmenting rate of wages until May, which warns them to depart, and those who are bold enough to tarry until the wheat harvest in June are paid enormously, but seldom return unscathed to their families. With these almost all the other inhabitants fly, and Grosseto, never very populous, then exhibits only closed houses and silent streets, a dismal and desolate abode: of the few that from necessity remain, the majority rarely escapes sickness, and if still alive they crawl forth in the following winter the mere shadows of what their friends had left them! It was formerly rare to see a Maremma family, of those working in the plain, arrive at the third generation, and even the strangers that fled before the sun, always carried back with them many sick and helpless who had arrived in the vigour of youthful activity! The restoration therefore of this country to a sound state was not alone interesting to Tuscany but to half the Italian Peninsula.

The plain of Grosseto is intersected in many directions by natural and artificial drains from the surrounding hills, so that a great body of water often accumulated in the marsh and did more permanent injury than the tremendous floods which occasionally burst through the Ombrone's embank-

ments and streamed over all the plain. Most of the ancient channels destined to carry off the waters of the upper country were choked both above and below the city of Grosseto: those called the "*Molla*," "*Molletta*," and "*Salica*" were cut or improved for this purpose in the higher parts, and the "*Martello*," "*San Giovanni*" and "*Tanaro*" below: the wild herds driven to pasture trampled down their banks and encumbered them; neglect and indolence lent their passive aid, and frequent floodings of the Ombrone filled the beds with successive strata of alluvion. The most formidable enemy to improvement in the Maremma was this river *ill-understood*, but its greatest friend when properly managed; and to restrain it was a difficult operation in the opinion of most scientific people of those days. Periodically sweeping down in a rapid course of nearly a hundred miles, charged with the variety of every soil between the Chianti mountains and the plain of Grosseto, and swelled by the sulphureous streams of the "*Merse*" and "*Farma*;" by the waters of the "*Arbia*," the "*Orcia*" and several torrents, the Ombrone breaks wildly through all restraints and dashes over its banks with such impetuosity as only exhausts its fury on the flatness of an unresisting plain, where even in its most langüid state the mischief still kept working, under a tranquil surface. The drains were filled, the canals shoaled and damaged in their banks, the marsh swollen to a wide-spreading lake, tillage ruined, cattle drowned, the fishery injured, and pestilence increased; while lands were left uncultivated from the uncertainty of gathering in the harvest. In one flood alone the bed of the navigable canal was elevated from five to six inches and twelve thousand head of small cattle utterly swept away; the bodies of the larger animals were obliged to be burned where they lay in order to prevent infection, and the ground on which they had been pasturing remained useless for the year. It was to avoid such visitations that Ximenes proposed to embank

the right side of the river and make use of its waters to fill up lower grounds and partially improve the soil by "Colmata:" as the Ombrone had already been embanked in ancient times foundations still remained to recommence upon, it therefore made one of the first measures of Leopold's reign and was completed in 1766, with comparatively successful results at a trifling expense. The possibility of reclaiming this marsh by means of "Colmata" had not escaped the penetration of *Cantogallina*, *Bartolotti*, *Garyiolli*, and *Petraccini* in the time of Ferdinand the Second; but the expense of turning the Ombrone alarmed them, and it was left to more fortunate times. The canal of "*Molla*", running from the two small lakes "*Bernardo*" and "*Lagacciolo*" north-east of Grosseto, after a tortuous course of about five miles in which it is joined by the "*Molletta*" and "*Salica;*" the latter impregnated with the sulphurous waters of the ancient Roman baths of Roselle; pours its contents into the marsh; but choked from neglect and swampy through its whole extent, it was new levelled, new drained, and the country restored to agriculture and comparative salubrity. The "*Molletta*" and "*Salica*" were equally looked to; the "*Martello*" with the cross-cut to the "*San Giovanni*" canal (made in 1760 with little service) was placed in a better condition, and to remedy winter floods and summer drought, an old plan of Chiaccheri, proposed in 1694 and then unheeded, was now renewed. This was the excavation of a grand canal across the deepest portions of the marsh in order to collect together and give a free course to the waters by extending it for nearly ten miles from the sluices of Castiglione to the mouth of the San Giovanni cut. With a lower level than the sea, it was thought, by means of flood-gates and a regular tide of about eight inches rise and fall, that a salutary disturbance and change of its waters might be maintained, the navigation between Grosseto and Castiglione reëstablished, and a uniform level preserved in these waters throughout the year; and in carrying

this into operation the bottom of the new canal was found to be composed of a bed of sea sand and shells which established the fact of a marine origin.

In 1623 the regent guardians of Ferdinand the Second made a feeble and unsuccessful attempt to conduct a stream from the Ombrone above Grosseto to a public mill below, and afterwards discharge itself into the "*Fosso Martello*:" Ximenes proposed to erect a new weir across the Ombrone and thus turn a more powerful body of water into the channel, which by its communication with the *San Giovanni* cut would join the grand canal, and so extend navigation from Castiglione to the river itself. But all these operations appear to have been mere palliatives, and the broad and general application of the "Colmata" system seems either to have escaped him, or frightened him by its cost and vastness: if with the striking example of a canal having been filled to the height of six inches in a single flood, he had boldly seized on the idea since so skilfully carried into execution, the Maremma would now have been a healthy and flourishing province *.

The great cause of failure here as in the Val-di-Chiana, but with more lamentable consequences, was the absence of a common unity of plan; of the faculty of perceiving the close connection of parts and combining them for general effect as artists do in the composition of a picture or a group of statues; for union is always strength, disunion weakness, both in the moral and physical world: a mass of colour, of light, of water, or of men brought skilfully into action for any determined object seldom fails to effect the purpose; but once disunited they are scattered into insignificance and all the natural helplessness of detail: the Italians generally, and the Tuscans in particular, seem never to have been fully convinced of the importance of this truth, applicable alike to great things and small, to the painter's canvas, the conduct of an army, and the independence

* Leon°. Ximenes della Maremma Senese. (*Firenze*, 1769.)

of a nation; yet until they are, there will be no Italy. It was reserved for the present Tuscan sovereign, Leopold the Second of Austria, to work on this broad principle in the Maremma, all our notice of which would have closed with the reign of his grandfather had not this noble and hitherto successful enterprise invested the subject with a new and deeper interest.

When it was discovered that the same physical laws which had succeeded in the Val-di-Chiana might also be applied to the Maremma, a concurrence of moral and physical circumstances, all wanting in the former, united to promise as satisfactory and still more rapid consequences in the latter where the Cavaliere Alexander Manetti emulated the venerable creator of the Val-di-Chiana, to whose labours the frequent changes of Tuscan government and the political agitation of Europe had opposed the most serious obstacles. The difficulties encountered in applying the alluvial system to the Val-di-Chiana were, independent of subsequent and resulting experience, much greater than those likely to arise from its application to the Maremma: in the former, science had to grapple with a previously mingled deposit from a variety of streams imperfectly connected amongst themselves; to reverse the level of a whole province and change the course of almost all its waters: in the latter the Ombrone was the only great river affecting the Castiglione marsh, the course of which was to be turned; because that of the "*Bruna*" and other streams tended naturally to the single object in view without any need of a very intricate combination. It was only necessary to regulate the distribution of their spontaneous alluvions so as to fill up the vast breadth of marsh, and this being once done, with the necessary precautions common to the system its recovery was secure, because every part of the new soil thus raised to a higher level would be enabled to discharge its superfluous waters into the Mediterranean without injury to circumjacent lands*. The

* Fossombroni, Mem. Idraulico-Stor.

short and eventful reign of Ferdinand the Third allowed of but slight attention to objects embracing so wide a field of operation and expense, but which Leopold II. has entered with a degree of spirit and boldness that will gain the admiration of all those who see more real glory in the quiet augmentation and preservation of human life and happiness than in the dazzling but destructive march of the conqueror.

Besides the absence of all unity of system, one of the great errors in every previous attempt to accomplish this work was a common fault in the moral practice of government; *an endeavour to coerce nature;* instead of turning her powers and propensities to the general good.

In most of the preceding trials the object seems generally to have been the maintenance of a body of water in the lake of Castiglione to preserve the fishery and drown those deadly effluvia that are supposed to be the most active agents of human destruction in these countries: but the whole system had hitherto been full of contradictions; dikes in one place to repel the Ombrone's stream, cuts in another to lead it into the marsh; a navigable canal without traffic and but small population; ditches drains and embankments in all directions, each perhaps serving its own especial object, but crossing on every side, and agreeing only in their opposition to nature which for ages had been working in a contrary order, and as it were emphatically repeating that she was ready to cure the disorders she had occasioned, whenever the sagacity of man would lead her to the task. All these efforts by different mathematicians, in different epochs, under different princes, formed so practical an entanglement of isolated opinions as never could succeed in arresting the decay of a population which colonies after colonies had been ignorantly sacrificed to maintain.

Knowledge of past errors being the first step to amendment, it was resolved to operate with the united powers of science, money, and princely authority; and an attempt was directly

made to check one source of mishief by preventing any further mixture of salt and fresh water in the lake of Castiglione; not however as a sovereign remedy for *mal'aria* but a moderator of its effects. These hopes arose from some successful efforts of the Lucchese government which in 1781 had restored a large district about the lake of "*Massaciuccole*" to salubrity, and from several works of a similar nature executed by the French near the Serchio with equally fortunate results. The Cavaliere *Gaetano Giorgini* of Lucca was therefore commissioned in 1827 to proceed in this business, which he accomplished by self-acting flood-gates at the "*Fumara*" of Castiglione, the only communication at that time between this marsh and the sea; but the first impulse to the present system of improvement was given by a scientific paper presented to the Grand Duke of Tuscany in August 1828 by Fossombroni, and supported by the approbation of the Commendatore *Pietro Pauli*, also a mathematician of considerable eminence. The sovereign's previous resolution was probably confirmed by the opinion of so high authorities, a resolution however not lightly or hastily formed by him, but the result of long meditation and frequent personal inspection, not only of the Maremma itself but of all the other provinces which had been reclaimed, and with a full knowledge of the great difficulty, expense, and hazard of the enterprise. The existing evils of this province as we have said were bad air, which drove the majority of the inhabitants away for nearly five months of the year; the numerous and wide-spreading swamps from whence it issued; the scanty wretched and sickly population; the absence of good roads or any internal communications; the want of wholesome water, the dearth of wine; the quantity of waste land, the general wilderness; and the low, expensive, and miserable state of cultivation.

The three great centres of mortality were the swamps of *Piombino*, *Scarlino*, and *Castiglione della Pescaia*; but besides

these a succession of smaller ponds and fens connect and continue the chain of pestilence from the plains of *Campiglia* to the confines of the Roman states and often far inland; so that it has been calculated to infect in various degrees an area of 1175 square miles: the ascents of these effluvia are as varied as their horizontal expansion; more or less impeded by the circumjacent hills they spread in poisonous masses over the plain and valley, and cling like a plague to the mountain side; invisible but mortal. Distance from the malign source generally diminishes the virulence of *mal'aria* but its spread and intensity are increased by a prevalence of sea-winds that sweep over the centres of infection; and in this way it happens that many places escape, protected by the shelter of intervening hills, although situated in the immediate vicinity of the miasmatic focus; and hence also the popular belief that sea-breezes *cause* this pestilence. Most of the Maremma marshes communicate with the sea and are in fact the remnants of bays and inlets gradually filled by depositions of mountain streams or simple torrents: the most remarkable of these last are the *Fiora* on the southern confines of Tuscany; the *Albegna*, the *Ombrone*, the *Bruna*, the *Pecora*, and lastly the *Cornia* which runs into the marsh of Piombino to the north.

It has been already observed that neglect of ancient drains, a consequence of war and injustice, seems to have originally occasioned this mischief, which spread so rapidly that when the present works began, no less than thirteen communities comprising probably one-sixth of the grand duchy, were variously affected by *mal'aria* extending more than sixty miles along the coast from Piombino to Orbitello, the latter being curiously exempt, while twenty yards beyond its gates fever still lurks in its most deadly form. The whole district infected in the year 1825 was calculated in superficial measurement to be

about 795,391 quadrati *. Of these 45,908 were more or less swampy; 17,648 occupied by roads and rivers; 620 by houses; and the remainder capable of cultivation; but tillage was scantily spread and of the worst description, so that much of the produce was of spontaneous growth. The artificial produce was corn, wine, oil, pasture, hay, wood, chesnuts, and so forth; the natural produce, iron, copper, marble, sulphur, lead, zinc, manganese, borax, alum, and silver; with various sorts of mineral waters. No less than 230,056 "quadrati" are overrun with woods, amongst which the wild olive still flourishes as a proof of ancient tillage, and what is singular, produces an oil far superior to the cultivated plant in that district. Timber, fire-wood, cork, charcoal, potash, and cask-staves are the chief exports, but the culture of corn predominates throughout the province. The population varies according to the place and season: in 1825 it was in some parts diminishing, increasing in others; one year a great augmentation might take place and in the next an equal diminution: in the most sickly places there was but little stationary population; settlers occasionally descended from the hills during the winter, and some remained in defiance of climate but seldom arrived at the third generation and often disappeared at the second. The inhabitants amounted to 26,841 in the year 1825 but in 1837 they had increased to 34,498 of whom only 11,228 were females! An amazing disproportion between the sexes, arising perhaps from the wavy nature of the population and probably more apparent than real because the women often remained in their mountain homes while the men sought for work in the Maremma plains. The mountaineers of the Casentino and Pistoia districts assert that since the year 1833 no fevers have been brought from the Maremma by those who went down to work or pasture, whereas scarce a family had previously escaped. Before the present labours commenced,

* The *Quadrato* is ten thousand square *Braccia*, and the Braccio about twenty-three English inches.

the Maremma, notwithstanding the first Leopold's exertions, was only a vast and beautiful solitude sprinkled here and there with a miserable stunted population, poor, sickly, inert, discouraged; with a moral indolence callous to any incitement, and a physical debility inadequate to great fatigue: besides which the laws of Tuscany had made it a place of exile for political crimes and thus added a moral gloom to its deeper shades of desolation. Every writer since Dante who has occasionally mentioned this province, speaks of its wretchedness; and the great poet himself might justly have affixed to the Maremma his sombre inscription for the gates of Hell. Even the names of places would seem to favour such a transfer; and in the dismal appellations of "*Val d' Inferno*," "*Ulceratico*," the "*Morticini*" and the "*Femmina morta*," the superstitious traveller might almost fancy he read his own epitaph: nor does the squalid scanty population about *Battignano*, *Paganico* and *Grosseto* impart with less force the truth of a melancholy proverb still rife in that unhealthy country *. Moral debasement was alone a great obstacle to any physical improvement, and therefore by a decree of the present sovereign it has ceased to be a place of banishment, as it will probably soon cease to be a place of terror to the more favoured inhabitants of the duchy; for its empty schools and teeming hospitals are fast changing conditions, and medical aid and medicine are becoming more abundant in an inverse ratio to their need.

To impart health to the atmosphere, to render broad lands tillable, to augment population and facilitate the intercourse of social life, were the objects contemplated in the present operations; and times and circumstances have fortunately seconded these views: a profound peace, a monarch eager for the task, a treasury able to support the expense without additional

* "*Grosseto ingrossa, Batignano fa la fossa, e Paganico soterra l'ossa.*" Grosseto collects them, Batignano digs their graves, and Paganico buries their bones.

taxes; and scientific men of the first ability to lend their aid, altogether generated the most sanguine expectations of success. The work was therefore promptly commenced, and is still continued with such spirit and rapidity as prove how much talent and energy still live in modern Tuscany and only want power and money to bring them forth. This great work being resolved on, the formation of a general plan of operations and its final execution was wisely committed to the genius of Commendatore Alessandro Manetti, a Tuscan student of the Polytechnic School of Paris, who to his distinguished natural talents had early opportunities of adding considerable experience both in Holland and on the Simplon under the auspices of Napoleon *.

An extensive plan of internal communications was immediately begun by the restoration of the ancient Emilian way from Pisa to the river Cecina, the continuation of which united the districts of that city and Volterra with Grosseto; and either provincial or royal roads connected the latter city with Siena Montalcino Buonconvento the Val-di-Chiana Asciano Montenero, the mountain of Santa Fiora, and other places; altogether forming a mass of communications more adapted to its future state than its present necessities, but forming part of one broad and universal system of amelioration which they now materially assist and will hereafter be necessary to preserve. Most of these roads are finished, and the royal wishes and labours

* Besides the credit so justly due to this gentleman's scientific knowledge and practical ability exemplified in the labours of the Maremma, he is now acquiring further celebrity by an uncommon display of taste and talent in the construction of a new and vast circuit of walls which will add forty thousand suburban inhabitants to the city of Leghorn, all of whom will now pay the *Gabella* as well as share the privileges of that free port. A new military road through the province of Lunigiana has also been constructed by him; but a more remarkable work is the great road from Florence to Forlì through the valley of "*Montoni*," which, leaving the Tuscan states at the *Terra del Sole*, joins the high road from Bologna to Ancona, and, with scarcely a rise, brings the latter city within twenty-four hours' journey of the Tuscan metropolis. (1838).

have been seconded with admirable spirit by the local communities which are far from being blind to their advantages, particularly to the increased facility of traffic between the interior and the coast; so that the beneficial effects of government labours have been already experienced in a reviving trade, a more extended agriculture, increased health, and an augmenting population.

To encourage all this the prince has followed the example of his grandfather, but under better auspices, and by pecuniary aid and free grants of land induces many families to settle in the province, so that above two hundred houses were already erected, enlarged, or restored in 1837, whose inmates moreover do not arrive as heretofore with fear and trembling as if to certain destruction, but with the confidence of pitching their tents on a healthy and abundant soil which fully promises to reward their industry. Convinced also like his grandfather of the advantage of bringing the proprietor into close contact with the soil; of laying his hand as it were on the plough-handle, the present sovereign has seized every fair occasion to break up all accumulated property and divide it amongst small proprietors on perpetual alienable leases: he at the same time abolished all duties on its transfer, and relieved many possessions from those royalties or public liabilities that might still have remained in existence. Artesian wells of excellent water have been opened throughout the province, in some places at enormous depths; numerous marshy pieces of ground, stagnant pools, and other nests of fever were at once filled up or drained; schools and savings' banks were established with wonderful success; medical assistance was systematically supplied, and a quantity of small auxiliary works apparently of no moment, but each forming a spring, a screw, or a wheel of the great engine of improvement, were accomplished.

The marsh of Piombino, which may be considered as the entrance of the lower province from the Pisan Maremma, was once a marine inlet brought to its present swampy condition

by the deposits of the river Cornia and other streams, which by partially filling it opposed an earthy barrier to the sea, while the waves, by throwing up sand and weed on the external part, formed in time a low dike, but insufficient to prevent the occasional mixture of salt and fresh water in the marsh.

The swamp of Scarlino, the next in succession, is similarly circumstanced, and with those near Piombino covers a surface of about 4811 "*Quadrati:*" the object therefore in both cases was to make use of the rivers Cornia and Pecora with their tributary streams and some smaller torrents, to complete by the power of art what they had already begun under that of nature. This was proposed to be effected by compelling them gradually to fill a succession of inclosures, commencing at the most inland point of the marsh, and so form an uninterrupted slope of solid land down to the sea shore, while a general channel was preserved for the final issue of the several streams when no longer wanted. Such is the broad principle on which the desiccation of these two places was begun, and on which it is still proceeding; rapidly at Piombino, more slowly at Scarlino, but surely and steadily in both. To give a more detailed account of the operations requires a scientific hand and would be foreign to this work; they are similar to those already described in the Val-di-Chiana; the same principles, varied only by local circumstances, which however served to exercise the energy and resources of the engineer with all his powers of science. One of these was the stoppage of a gap by which the sea water penetrated into the marsh of Scarlino in a variable depth of from five to six fathoms water with a bottom of shifting sand that bid defiance to piles, and even swallowed up the hulls of two vessels that were sunk for the purpose. The difficulty was at last surmounted by an ingenious application of the same method used to repair breaches in the Dutch "*Polders*," or rather in the dikes erected to defend these natural embankments, which latter are

used for cultivation: this contrivance, with which the Cavaliere Manetti had become acquainted during his service in Holland, consists of a compact body of light fascines and osier work, well interlaced and let gently down with weights into the gap in successive layers until above the level of the water; long stakes were then driven perpendicularly down to keep the different beds of work compact together; after this the projecting heads of the stakes were wattled at top into square compartments or baskets which being filled with earth and stones the whole mass kept pressing downwards and became gradually consolidated by mud sand and sea-weed *.

Notwithstanding the same application of science to cure the evils of the Scarlino marsh which has been brought to bear upon the rest, both in the exclusion of salt water and the successful filling up of the more inland portions, their abatement is as yet from some undiscovered cause extremely slow: the natural available resources are also more feeble here than in other places, but the peculiar malignity of the air is not yet satisfactorily accounted for, though some with a good deal of reason attribute it to the position of the surrounding hills which forming a valley narrow towards the sea and spacious within affords no outlet to the mephitic and poisonous exhalations.

The formation of the Castiglione swamp, like others is caused entirely by alluvion, but undirected by art this deposit was more pernicious than useful, and would have required centuries for its entire development into one solid tract of arable land fit for the habitation of man. The progress of nature in thus changing water to firm earth may be seen in the accompanying plans from Tartini's work before-mentioned: these curious

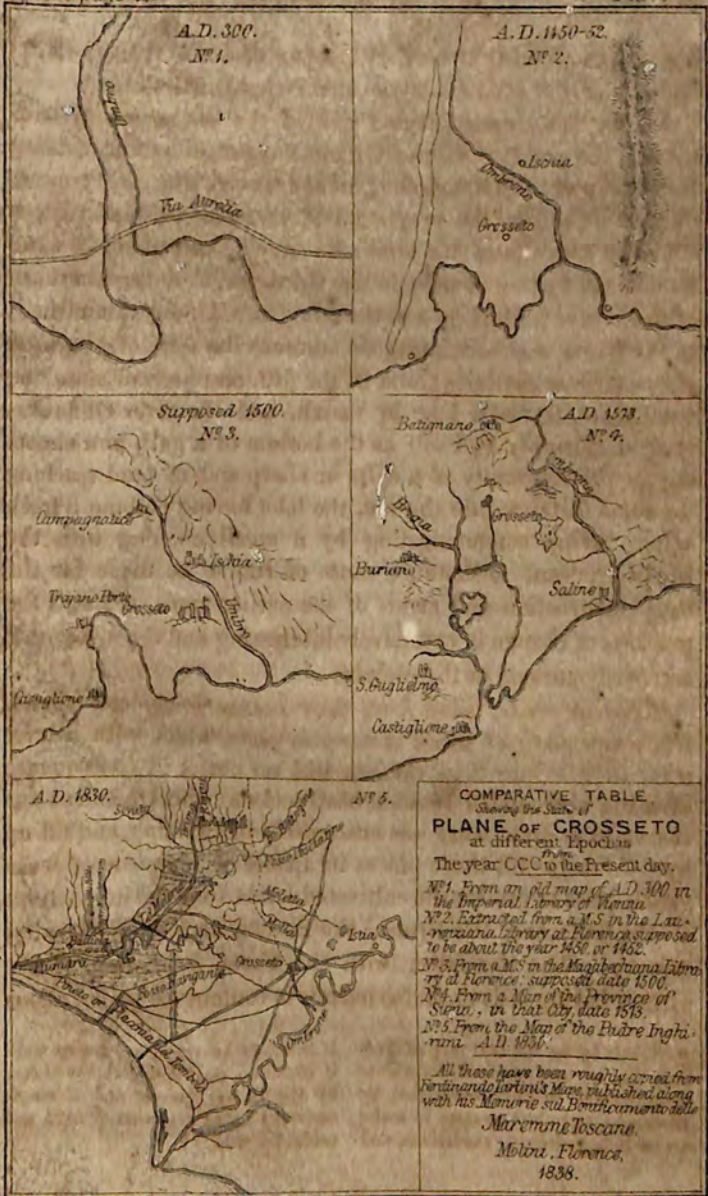
* The details of this and every other part connected with the present operations in the Maremma may be seen in the "*Memorie sul Bonificamento della Maremma da Ferdinando Tartini segretario dèlle Direzione del Corpo degli Ingeneri*," from which most of the information in the latter part of this chapter is drawn. (*Published by Molini, Firenze*, 1838.)

documents are of the years 300; 1450 or 1452; 1500; 1573; and one of the present day by the Padre Inghirami *.

In the first epoch a great gulf of the sea seems to have covered the present plain of Grosseto to a considerable distance from the point of Castiglione; in the second this inlet appears divided in two by the projection of a tongue of land formed from the deposits of the Ombrone which simultaneously push its channel further south; in the third period the southermost of these bays is filled up and the other considerably diminished; in the fourth the most northern assumes the form of a harbour with a narrow entrance; and in the fifth and present state, the northern inlet is a lake or marsh, and the river Ombrone, instead of emptying itself at the bottom of a gulf, now shoots out to the extremity of a delta or sharp spit of land reaching for some distance into the sea, the lake having become a fresh water swamp communicating by a small opening with the Mediterranean. Allowance must of course be made for the rude construction and errors of the earlier maps, but still the progress of change is excessively interesting and the documents extremely curious in themselves.

These deposits, being from their nature irregularly placed, left many pools of water in various parts, which with a level somewhat higher than the sea had no outlet in consequence of being surrounded by such obstructions: the treatment was therefore to drain what was susceptible of draining and fill up by "Colmate" all those places incapable of this mode of desiccation: also to protect the cultivated lands from the inundations of the Ombrone, the Bruna, the Sovata, and several smaller streams. The two latter, with the Fossa a tributary of the Bruna, having beds much too narrow to contain the great volume

* This is by far the best map of Tuscany that has ever appeared; its minute accuracy will be duly appreciated by those who have had occasion to make use of it in pedestrian excursions, and it is altogether an extraordinary work if executed, as it is said to have been, by the Padre himself and a *single assistant* in twelve years of hard and useful labour.



COMPARATIVE TABLE.
Showing the State of
PLANE OF CROSSETO
at different Epochs
from
The year CCC to the Present day.

N°1. From an old map of A.D. 300 in the Imperial Library of Vienna.
N°2. Extracted from a M.S. in the Laurenziana Library at Florence, supposed to be about the year 1450 or 1452.
N°3. From a M.S. in the Magliabechiana Library at Florence, supposed date 1500.
N°4. From a Map of the Province of Siena, in that City, date 1578.
N°5. From the Map of the Padre Inghirami A.D. 1830.

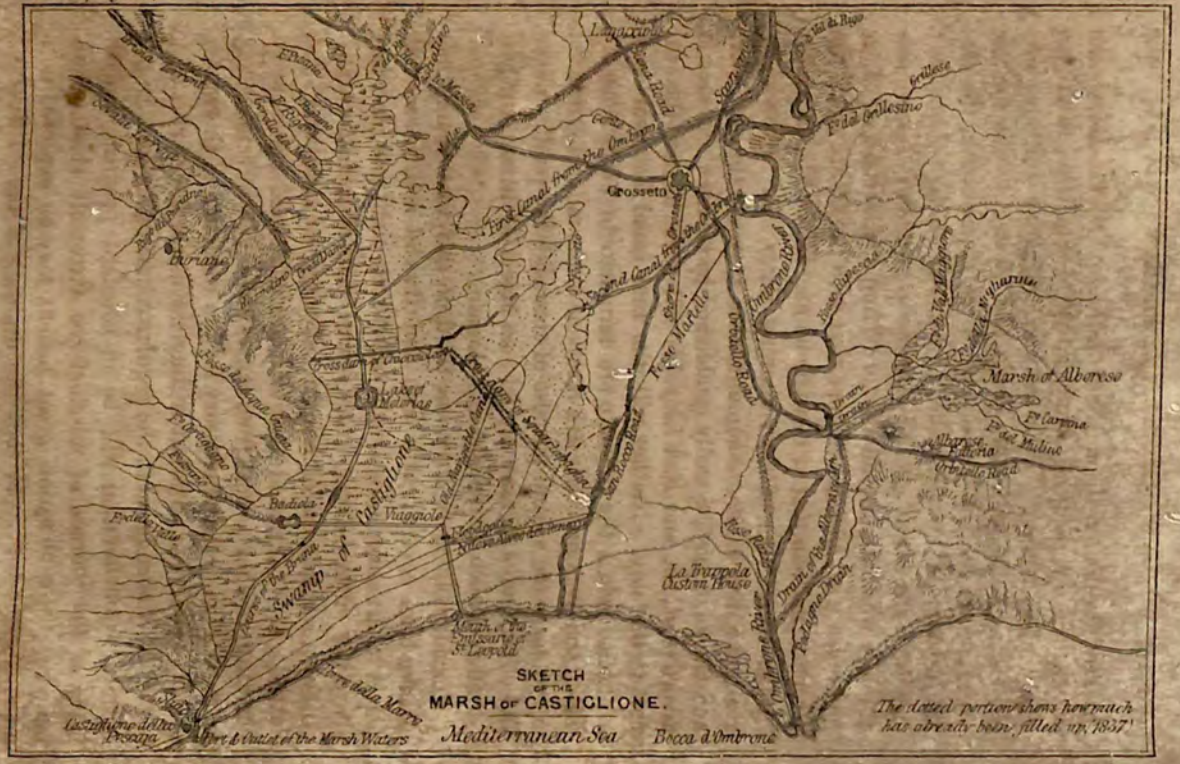
All these have been roughly copied from Ferdinando Tartini's Maps, published along with his Memorie sul Bonificamento delle Maremme Toscane.
Molini, Florence, 1838.

of water rushing down from the mountains, frequently overspread the adjacent plains and floated all that country between the hills of Buriano and Montepescali, a space of many square miles. New channels and shorter courses were therefore cut for these and a number of inferior streams, to secure the country from inundation and conduct the muddy waters into several inclosures already prepared at the northern extremity of the marsh to receive their charge, and thus form the crest of a new slope which was in time to cover the whole surface of the Castiglione swamp. These however were but secondary means, insufficient by themselves to accomplish the grand object under many years; it therefore became necessary to employ a more powerful agent, and this was found in the Ombrone, the principal cause of nearly all the mischief: the deposits of this river having been sufficient to destroy the ancient gulf, to form the plain of Grosseto, and push the coast-line far into the sea, were deemed under proper regulations fully adequate to complete their own work, and a divergent channel to lead this river into the marsh was accordingly proposed.

The idea was not new, but given up from dread of expense and other difficulties: Fantoni had long before suggested it; Paoli and Fossombroni had lately examined the country with the same view; but Manetti, differing from them only in the choice of a spot for the commencement of this arduous work, overcame all former obstacles and successfully accomplished his purpose. A point was selected *above* Grosseto where a straight reach of the river increased its velocity, and where the altitude of its bed would not only insure a rapid descent of water into the marsh but still maintain it after the latter should be filled up, so as to continue flowing in a gentle current across its whole extent even to the most distant margin of the recovered ground. The same inclination as that of the river's bed, *above the point of deviation*, was to be continued for a considerable distance down the new channel in order not to interrupt the natural current,

and on the second of November 1829 this fine undertaking was commenced. On the sixth of May 1830 a canal of five Tuscan miles long, nineteen feet deep, thirty-six feet wide at bottom and one hundred and eleven at top was completed: it was worked mostly through solid rock, or the most tenacious earths nearly as intractable, by a number of labourers never exceeding 3910 men, and crossed by three handsome bridges for the Scansano, Siena, and Massa roads at an expense of little more than 30,000*l.* sterling. The labourers employed were principally Neapolitans from the Abruzzi, who with the Pisans were found most dexterous in excavating alluvial soils, the rest were mostly Genoese who had greater skill in working and blasting rocks: there were also labourers from some parts of Tuscany, but the Genoese and Neapolitans formed the bulk of the workmen and were more anxious for such employment than the Tuscan peasantry, who were in a superior condition of life. The secondary streams as we have said, were directed to the northern or uppermost parts of the marsh; the swelling current of the Ombrone poured through its new channel into the centre; but the lower portion adjacent to the coast still needed some powerful aid to push forward the work more quickly: a second canal three miles long was therefore cut from the Ombrome *below* Grosseto, which being of equal dimensions with the first, traversed the Orbitello road, having only one bridge, and, like its sister cut, was supplied with sluices on purpose to exclude the river during repairs or other necessary operations. Both these canals flow into vast inclosures in the marsh, each of which when filled becomes solid land, and is followed in regular succession by others which are brought to any required position and altitude, so that the whole plain may be reduced to and is actually assuming the intended form as easily as if the materials were conveyed there by hand-barrows.

The clarified waters after having performed their task are



SKETCH OF THE MARSH OF CASTIGLIONE.

poured into the sea through the "*Fumara*" and another outlet on the coast at no great distance, where they issue in a clear and copious stream. To assist this evacuation and also prepare a final exit by a more direct and shorter course for the Bruna, when no longer necessary in the upper marsh, the outlet just alluded to called the "*Emissario di San Leopoldo*" has been cut about six miles to the eastward of Castiglione, through which a powerful stream of limpid water already flows and gives a not ill-founded hope that with the future aid of the Bruna a port like that at Castiglione may in time be excavated by the mere force of clear running water. If this view be realized a direct water communication between the new port and Grosseto may be easily established by means of the second divertive canal, and *San Leopoldo* will then become the seaport to that city. Neither will the first canal be abandoned as useless when the Colmate are terminated; for besides its utility and even necessity as a reservoir to the mills of Grosseto, it will serve the second purpose of cleansing the public sewers and other drains of that capital; an object of paramount importance in such a situation and climate.

Considerably more than one-third of this vast swamp has already been covered with firm and fruitful soil, in several places to the astonishing height of between eight and nine feet above the ancient level, every square yard of which is a proportionate reduction of human suffering, wretchedness, and death! It is calculated that with the additional means to be hereafter brought to bear from causes already in operation, only fourteen years will be necessary for the reduction of this marsh to such a state that with but trifling assistance from art it may be fearlessly abandoned to the regular course of nature. In the meantime amelioration will be in constant progress, and as many of the sources of mischief are extremely shallow and want but little elevation great benefit may be expected in a much shorter time. Except the draining of the "*Alberese*"

marsh which has already restored comparative health to that neighbourhood, nothing has been yet undertaken south of the Ombrone, further than excluding salt water from the swamp of Talamone between Orbitello and Grosseto.

The whole expense of these glorious works in the three plains of Piombino, Scarlino, and Grosseto, with their dependencies; the construction of roads and bridges; one of the latter crossing the Cornia by *a single marble arch of eighty feet span*; the cost of lodgings and hospitals for workmen, indemnities, premiums, and other encouragements to settlers; expenses of administration, and a variety of other unclassed items, has not hitherto (1837) exceeded 273,373*l.* sterling. A great sum for Tuscany but what a drop in the ocean of war and human destruction! Yet how vast, how beautiful its effects; how lasting its consequences, when thus beneficently employed for the promotion of human happiness!

The meagre sketch just given of those works now in progress may perhaps excite some interest about their result which up to this moment has been decidedly favourable even beyond the expectations of its able engineer and royal projector; and little doubt remains of ultimate, complete and general success; but the particular benefits that have already accrued may be summed up in a very few lines. We have said that among the causes of failure in all previous attempts to improve the Maremma, even in producing the limited effects for which alone they were adapted, was the loose nature of the regulations for their maintenance, even when any existed; but this is far from neglected now, and according as each piece of work is terminated measures are taken to preserve it. In fact with the general system of operations there was simultaneously formed a relative plan of conservative laws, wherefore as each portion is completed it is consigned to the care of its corresponding protective department and becomes amenable to its jurisdiction; so that the creating and preserving powers walk hand-in-hand.

The new channels and embankments of rivers and torrents which form the principal part of these works, and altogether are equal to about fifty-four English miles; as they materially improved the value of, and protected the adjacent lands were consigned to the care of those neighbouring proprietors who received most benefit, but under the supervision of government engineers, of a weekly horse-patrol from Grosseto, and a strict code of regulations to prevent damage from neglect.

To the royal roads already noticed as made or restored by government may be added no less than nine cross-roads which were promptly undertaken and finished by the communities themselves; a strong evidence of returning life; and when coupled with the increasing demand and even competition for farms, besides the erection of no less than one hundred and twenty-five new buildings; the restoration or enlargement of a hundred and four others; an augmentation of the winter population by nearly six thousand souls in nine years, from 1828 to 1837; and what is infinitely more demonstrative, an *increased summer population of between four and five thousand people*; it can scarcely be denied that this great machine works well and rapidly! The increased general population cannot however be entirely ascribed to existing improvements; the whole population of Tuscany is augmenting, and that of the Maremma from 1825 to 1828 was proportionately little inferior to the mean annual increase of the nine succeeding years; but the vast increase of *summer* population is a clear gain of human life and happiness! The great difference between these two epochs is that in the latter, population multiplied *securely*, or at least with no other check than the common casualties of life; but previously, the hand of death waved in a thousand varying forms over its pale and shadowy numbers. Many people who were formerly in the habit of flying from this province at the first approach of summer now remain until that season is far advanced; thence results an increased amount and longer

duration of labour and expenditure, additional hands, agricultural improvement, productive inclosures of waste lands, of reclaimed marshes, and all their attending good. Vast tracts of excellent land which in consequence of periodical inundations often ruined the farmer's hopes, are now safe and improving and rich in corn and wine; while the wages of labour that from danger and scarcity of hands were before enormous, are now considerably lowered; and thus one chief impediment to cultivation is fast melting away.

The field-labours preparatory to sowing which formerly through fear of sickness were never commenced before the middle of October and therefore imperfectly executed, now begin in September, so that the very seasons themselves are prolonged by these beneficent operations! The expenses of cultivation are said to have been lessened full one-fifth, at the lowest calculation; and the certainty of gathering in harvests is established by the mere presence of labourers, who no longer have any apprehensions of the summer heats. The culture of maize is now becoming extensive; the cost of land-carriage everywhere diminished by good roads; which also induce a cheaper and more copious supply of imported articles: the comforts of life are therefore increased; better food, better clothing, better houses, better inns; the public schools are filling in a proportion far beyond the increase of population; a savings' bank, with more investments on the very day of its opening than all the clerks could attend to; morality is improving; fewer crimes, fewer thefts, and fast augmenting industry!

The prince has well performed *his* part: he has drained the country, not of gold, but death: he has purged the air, controlled the waters, shortened time and space, lessened expense, spread education, removed all the moral and political degradation of the province, freed the transfer of property, loosened it from other ties, broken down (as far as justice warranted) all great possessions; encouraged colonization and building, com-

pelled Nature herself to submit her laws to human reason in the more useful forms of art and science, and left all future improvement to native energy and the impulse already given by his own wisdom and beneficence!

Time will now show what an unfettered spirit of industry may conceive and generate*; the prince interferes directly with nothing, save the labour of making this province fit to live in, all else remains with the people; but amongst them such ardour is awakened as will not easily subside into ancient and almost hopeless lethargy: he has overcome moral and physical difficulties of great moment, amongst which, misunderstood self-interest, unfounded apprehensions, and in some instances perhaps, a captious love of opposition and stolid ignorance, were not the least. It is difficult to convince ignorance by mere theoretical proof, and not always easy by practical demonstration; wherefore the whole force of art and science was promptly brought into action; labour, money, example, and zealous support were not spared; the sovereign was everywhere infusing such spirit that as far as depended on human means success became secure; and after all the scandal that has already been heaped on Leopold II. and his advisers about this great work, there are probably few at this moment unwilling to give due honour to a prince who has shown such zeal and sincerity in promoting the real happiness of his people. The inhabitants of the Maremma appear to be sensible of his merits, at least if the spontaneous, though always doubtful test, of a statue erected in the public square of Grosseto be any real indication of their feelings.

* On one portion of the Grosseto marsh, equal to three square miles, I understand that corn is already luxuriantly waving; seven more square miles of this swamp is filled up to the required height, and almost all the rest is either covered to a certain depth or in the process of filling up rapidly; so that the complete recovery of all this mass of death is very near its termination: woods have changed to corn-fields, new plants have been introduced, population still augments, sickness decreases, and has in some places ceased altogether, and the low vale of Cesina is now for the first time *permanently* inhabited! (Feb. 1847).

When in one of his visits to Italy the Emperor Charles IV. was at Mantua he invited Petrarca to court, where one day the conversation happened to turn on a work that the poet was then writing called "The Lives of Illustrious Men" which Charles desired might be dedicated to him. "Thou wilt be "worthy of such a dedication" replied Petrarca with his usual boldness, "when thou art numbered amongst illustrious men, "not by the glare of titles or by an empty diadem, but by "great and virtuous deeds; and by so living, that as the "actions of ancient heroes are now read and admired, so thine "also may be read and admired by posterity." It cannot be flattery to assert that the reclamation of the Tuscan Maremma entitles Leopold the Second to a place in the catalogue of Petrarca's worthies.

CHAPTER XII.

CONCLUSION.

FERDINAND THE THIRD.

GRAND DUKE OF TUSCANY.

By a solemn abdicative act dated in July 1790 Leopold resigned the Tuscan sovereignty according to the treaty of Vienna, to his second son Ferdinand Archduke of Austria who ascended the throne as Ferdinand III. at one-and-twenty years of age: it was published at Florence on the seventh of March 1791, and on the eighth of April Leopold and the young Grand Duke of Tuscany, with the King and Queen of Naples entered the capital. On the sixteenth of May Peter Leopold quitted Florence for ever; displeased and mortified at his reception by a people in whose behoof he had been incessantly labouring for five-and-twenty years; but leaving a profound impression of his excellence on the minds of thinking men, and glowing traces of his wisdom and beneficence on the soil and institutions of Tuscany. These traces still exist in fresh and vivid characters; they were of too solid, too national, too useful a stamp to die with him that made them: much of what he did do expired with him; much of what he intended never arrived at maturity; as a whole therefore his work was imperfect; it failed with the failing spirit of its author because there were but few congenial minds to second his endeavours or preserve the spirit of his sway: but a vast portion was too universally beneficial not to take deep

A.D. 1790.

A.D. 1791.

root in Tuscany. Leopold was five-and-twenty years in power, and during the greater part of that period trusted entirely to himself and worked almost alone. This was his great error; for had he on the contrary made use of that period to found schools and colleges of high and liberal education, he might have brought up a race of young energetic and enlightened statesmen who would have been in full vigour at his departure, disciples zealous to uphold the principles of their master; and the prince though absent would have governed still: above all he might have educated his son, initiated him in his art and principles of government, imbued him with his own regenerating spirit, (for the soil was good) and afterwards left everything with safety in his hands. Leopold I. notwithstanding all his anxiety did not in fact succeed in raising the standard of character amongst Tuscan gentlemen: born in the purple, bred a churchman, nourished in despotism, he became absolute at eighteen, found some able advisers, and for a while was guided by them; but after these he met inferior minds, mere tools, which he was somewhat too willing to make use of, and was therefore served by base spirits with ignoble thoughts and self-interested objects, foreign to his own nature and principles and secretly opposing both. His efforts both moral and physical were almost exclusively directed to ameliorate the general condition of his people, especially that of the poor; but this should not have prevented the full consideration of what was morally due to other classes, or have blinded him to the vast importance of an enlightened and high-minded gentry, of whom a whole generation might have risen in his reign, all free from bigotry and competent to appreciate and support his principles. In religion he moved, and justly too, against inveterate prejudice and deeply-rooted superstition; but without sufficient means; or rather by a mistaken though generous application of them; he seems to have had too high an opinion of his own moral ascendancy, certainly too favourable a notion of those with whom he had to

deal; as a theologian, and something of a sectary, he entertained peculiar sentiments, perhaps was occasionally too anxious for mere victory and that the world should move entirely by his influence. He nowhere seems to have promoted education on that grand and liberal scale and those broad principles which are fitted to develope the higher qualities of man: the inferior branches, especially in their connection with the poor, were sedulously encouraged, but Leopold always exhibited a greater anxiety for purely religious and it may almost be said theoretical, than for practical lay instruction and active morality; he in fact wished to establish a more liberal priesthood ere he introduced a greater liberality of studies, and with but partial success in the former he never attempted the latter. His punishments may be considered too mild; his secret inquisition into private life and morality was reprehensible in all but its motives, and certainly unadapted to exalt the national character: on the contrary it shocked and debased the people and tended to check their free expression of opinion, an object which he was really desirous to promote. Nevertheless much public benefit sprang up from his rule and the present condition of Tuscany proves it. The abolition of sanctuary, the emancipation of corn and provisions with general freedom of commerce; the abrogation of useless and oppressive laws; the revival and liberty of agriculture, the severe modification of entails, the abolition of mortmain, the cheapening and simplification of law-suits, the moral improvement and practice of the bar, the revision and reformation of civil law, the promulgation of a new criminal code replete with justice and humanity; the repulsion of ecclesiastical encroachments, the restoration of episcopal authority; the improvement of clerical morals discipline and instruction; the reduction and partial suppression of conventual vows; the diminution of monks, nuns, and convents; the recovery of waste lands and pestilent marshes; the restoration of local self-government; the extinction, or nearly so, of national debt; the vast diminu-

tion of taxes and modification of their oppressive machinery, the abolition of torture, the reform of the customs, the destruction of game-laws; the suppression of feudal rights, besides a host of minor benefits; all this was much, even as a matter of simple business; but its consequences were more. The existing state of agriculture, the active internal trade, the comparative scarcity of great crimes, the general security of person and property, the excellence and safety of public roads and the generally substantial comforts of a vigorous healthy and industrious and independent peasantry, all are consequences of Leopold's government and the fruits of his cultivation. He was emphatically the poor man's prince. The modification of entails and primogeniture-laws has more fairly apportioned a great deal of that wealth which was formerly monopolized by the male heirs of opulent families, and with it he spread energy and industry through the land: splendid villas vast palaces and noble mansions with their terraces, their statues, their fountains, and their pleasure-grounds, are partially deserted, or gradually falling to decay; but around them has sprung up, instead of former villenage, a new population of hardy independent and industrious peasants, a florid agriculture and a healthy neighbourhood: the *class* is less opulent, but the *nation* more; taste suffers, but judgment is convinced: yet even this diminution of wealth in the Tuscan aristocracy proceeds as much from personal indolence as public legislation: there is much for landlords to do, and they will find their account in doing it: if more time were spent at the villa and less in the city there would be greater wealth and morality, and smaller room for the peculation of agents and majordomos* who like double-headed leeches fatten equally on peasant and "*Padroné*" and complain of both.

* "*Fattori*," and "*Maestri di Casa*," answering to our bailiffs and agents. The Tuscans have an old saying:—

"Fatemi Fattore almeno un anno
E se non son ricco è mio danno."

Change the name and this proverb would apply beyond Tuscany.

The absence of naval military and diplomatic occupations and the want of colonies, circumscribe still more straitly the active public employment of Tuscan gentlemen; this generates idle and frivolous habits, exclusive addiction to pleasure and general licentiousness: few take seriously to science; few zealously to agriculture; the Bar is over-crowded, the Church teeming, government offices comparatively few; wherefore among the upper classes of Tuscany there is abundant leisure and all its attendant evils, at least to those unfurnished minds that depend entirely on others for their happiness. This leisure is not even filled up with common literary pursuits to that extent which the natural acuteness of Tuscan, and especially Florentine intellect, the beauty of their language, and the quantity of Italian literature with the mighty names that grace it, would lead us to expect. But there are many illustrious exceptions: the names of Fossombroni, Paoletti, Capponi, Ridolfi, Amici, Guicciardini, Nobili, Niccolini, Manetti, Ripetti, Molini, Fraticelli, Micali, Inghirami, Foggi, Savi, and many others of all ranks, either natives or naturalized, still feed the flame of Tuscan energy science and intellect.

That Leopold of Austria was a despot is true, for he inherited an absolute throne, and could scarcely have been otherwise; but that he wielded this power for evil, the whole story of his reign denies; yet he has been charged with tyrannical acts as well as arbitrary proceedings; and somewhat more fairly with a certain laxity of morals in his intercourse with women which was invidiously contrasted with his rigour on this subject towards the public. The reproof is perhaps just; but it would have been still more reprehensible if from self-condemnation he had connived at public immorality! Incontinence was doubtless highly culpable in Leopold as a prince, a father, a husband, and a reformer; but was never attended by the violation of domestic peace in subjects' families or any scandalous exhibitions of his own weakness: a decent veil was at least cast over all, his errors were known but not generally seen; the sphere

of their influence was confined, and even its shadow scarcely reached beyond the walls of Florence, but the broad sunshine of his better nature enlightened the most distant corners of the dukedom!

A gentle humane legislation softened and ameliorated national manners, and although the general improvement of nations must mainly depend on the aggregate of individual exertion, such government was probably not useless in developing that physical courage ability and military spirit which subsequently displayed itself under Napoleon with considerable credit to Italy. Under the action of Leopold's preventive system and merciful but prompt execution of legal punishment, great crimes became so rare that they appeared says a subsequent writer like "natural phenomena": the prisons are said to have been frequently empty for months together, and but little was heard of law-suits, great delinquencies, or public punishment! The self-interested and ambitious who wanted to foster ancient abuse worked secretly, but looked on in silence until Leopold departed, and then misled his inexperienced son *.

The right of voting in municipal assemblies on all local affairs, including taxation, generated a certain spirit of industry, because every man wished to qualify himself as a proprietor to enjoy it; the natural result of industry was improved morality and so rapid an increase of small proprietors that at the end of Leopold's reign out of a population which had then augmented to twelve hundred thousand, seven-twelfths were, as is asserted, of that class! Feudal rights were purchased and abolished; taxes were trifling; the remnant of national debt in a course of rapid thaw, and had it not been renewed by fresh loans under Ferdinand III. Tuscany would have had more reason to rejoice: but it was altogether an unpopular act readily neglected for the convenience of loans and through ministerial spite to its author, after being applauded by all Europe besides. Until 1791 Tuscany

* Giasti, apud de Potter, vol. iv.

had no financial deficit; debt afterwards accumulated, but was destroyed altogether by the French revolution.

Model and experimental farms were established by Leopold with agricultural premiums; good farmers were personally favoured, bad ones discountenanced; experiments were promoted, especially amongst the nobles and more opulent landowners; and thus by example rather than precept vulgar prejudices were gradually dissipated and plain demonstration led to voluntary improvement amongst the peasantry.

Roads and canals were multiplied, the Fucecchio marshes drained, and a hundred flourishing homesteads are now seen in places where, before Leopold's time, swamps alone existed! The Val-di-Chiana was transformed from pestilence to health, and though not finished was at least begun under the auspices of Leopold. He suppressed or reduced both naval and military forces as being too costly in peace, too weak in war for a small state, which he was resolved, under German protection, to maintain in amity with all the world: this neutral policy was that of the Medici; but if they occasionally saved the expense of war it was only to enrich the court or priesthood; under Leopold it enriched the nation: population accordingly increased, comforts increased, riches increased, human happiness increased; and four hundred thousand more bushels of corn were sown in 1792 than had ever been put into the ground in Tuscany before that trade was emancipated. Commerce also augmented, and based, as it always should be, on individual and general interest, helped to maintain Tuscan neutrality and make armies useless, by weaving the most effectual bonds of national law and union. The more commerce spreads the deeper hold it takes; and the more thoroughly it is understood the less danger will there be of unnecessary war. The great mass in all civilized countries being essentially traders, and the small uncommercial part so dependent on commerce for comfort and luxury, any interruption of its general course is immediately felt; where-

A.D. 1792.

fore some strong motive becomes necessary, where public opinion governs, to overcome that mercantile hatred to war which is happily taking deep root in the civilized world: but as causes of war *will* come, no country should let its military spirit entirely cease: Leopold thought it needless to encourage such a spirit amongst the Tuscan gentlemen and it is accordingly said to have declined; yet surely but for a moment amidst a people whose character if ably managed is perhaps capable of some of its most daring achievements. Peter Leopold I. died in March 1792 and Tuscany afterwards partook of all the vicissitudes of European politics: Ferdinand III. continued to reign until
A.D. 1799. 1799, when a French army under Generals Gauthier and Miollis occupied the Grand Duchy and established a provisional government under the Commissary Reinhard. The Grand Duke fled to Vienna on the twenty-seventh of March; tumults immediately followed in Florence, where they were soon quelled; also in Pistoia, Valdarno, Siena and Arezzo, especially the last, which spread widely, and continued long and serious. About the commencement of July the French were forced to evacuate Florence in consequence of Macdonald's defeat by Suwarow and Melas, whereupon that city was re-occupied and Ferdinand the Third's government nominally reëstablished by Austria.

In 1800 Buonaparte with the concurrence of Spain signified
A.D. 1800. his intentions to the Spanish Bourbons of Parma, and accordingly in October his troops under General Dupont reoccupied Florence, the Aretines being still in revolt, to which a stop was only put by the storming and plunder of their city, General Miollis remaining in command of Tuscany.
A.D. 1801. At the peace of Luneville Ferdinand III. renounced Tuscany for the promise of an equivalent state in Germany, and the former accordingly devolved on Don Lodovico di Bourbon hereditary prince of Parma; but in March a second decree changed the grand duchy of Tuscany into the kingdom

of Etruria, and to this was annexed the "*Presidj*" which Naples had previously ceded to France, the latter still retaining Elba and Piombino.

Lodovico I. took possession of this new kingdom of Etruria in August 1801 when Murat, who commanded for France, received him at Florence, and the next year his queen Maria Louisa was associated with him in the government. In February 1803 Ferdinand III. was created Elector of Salzburg, and in March the king of Etruria died, his son Charles Louis succeeding him under Maria Louisa's tuition as regentess. A.D. 1802 A.D. 1803.

In March 1805 Piombino was settled on Eliza Buonaparte Baciocchi and her husband Felice, along with the republic of Lucca which they took possession of in July. In December Ferdinand III. was created, first Elector and then Grand Duke of Würzburg, in consequence of certain provisions in the treaty of Presburg. A.D. 1805.

In December 1807 another change took place; the regentess of Etruria and her son abdicated and retired into Spain with a promise from France and Spain of some principality in Portugal by the convention of Fontainebleau, and in May 1808 Tuscany was formally united to the French empire as the departments of the "Arno," "Ombrone" and "Mediterranean." French law was then introduced, French pleading alone admitted in the courts, and the regular clerical orders were suppressed. The following year Tuscany was again erected into a grand duchy depending on the French empire, and bestowed on Eliza Buonaparte Duchess of Lucca and Princess of Piombino, who arriving at Florence in April immediately reëstablished the use of the Tuscan language in public law courts, but in common with that of France. Eliza governed well and popularly until 1814 when she shared her brother's misfortunes and fled from Tuscany. Florence was imme- A.D. 1807. A.D. 1808. A.D. 1809. A.D. 1814.

diately occupied by Murat king of Naples and in a little while Ferdinand III. was restored to his country: he arrived in September 1814 and the following year Tuscany with the "Presidj" and part of Elba were secured to him and his descendants by the congress of Vienna. To this he added Piombino by purchase from Prince Buoncompagni-Ludovisi, and the remainder of Elba subsequently followed. Lucca was assigned to the Queen of Etruria, as duchess of that ancient republic, but with ultimate reversion to the reigning Grand Duke of Tuscany, who when this occurs will have to cede some territory in Lunigiana to Modena.

A.D. 1815.

Ferdinand III. died in 1824 after ten years of a very popular reign and much regretted by every class of his people. Leopold II. the reigning prince succeeded and is still usefully employed in ameliorating the condition of his country.

A.D. 1824.

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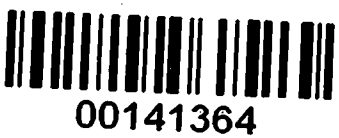
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